

117

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40511-2023 (O&M)

Date of decision: 22.08.2023

Dr. Sham Lal Thukral

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Tarun Singla, Advocate for petitioner.

Mr.Dhruv Dayal, Addl. AG, Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') *inter alia*, seeking issuance of direction to official respondent no.2 to direct respondent no.3 to register FIR against respondents no.4 and 5 under Sections 420, 465, 467, 468, 471 IPC read with Section 120-B IPC as also under the provisions of Prevention of Corruption Act, 1988 on a complaint Annexure P-24 filed by the petitioner.

2. Learned counsel for the petitioner submits that respondent no.5 has been held guilty by the authorities of Cooperative Department, Punjab for tampering with/fabrication of official records in favour of respondent no.4 at the cost of the petitioner. The documents fabricated by respondent no.4 in connivance with respondent no.5 have already been disbelieved by learned Civil Judge (SD), Bathinda in a Suit for Specific Performance and the said suit of respondent no.4 has already been dismissed by learned Civil Court on 29.04.2019. On receipt of the complaint of the petitioner dated 04.01.2023, submitted against private respondents, inspite of the allegations leveled in the complaint which stood duly established from oral and documentary evidence, respondent no.2 has not ordered registration of FIR against the private respondents inspite report of inquiry conducted by SP (HQ), Bathinda.

2.2. Learned counsel for the petitioner further submits that even otherwise the Hon'ble Supreme Court in the case of *Lalita Kumari V. Govt. of U.P. & Others*¹, has issued specific guidelines to the effect that action of the police in not registering FIR is against the mandatory provisions of Section 154 Cr.P.C.

3. *Per contra*, learned State counsel strenuously opposes the prayer made. He contends that police has assured to conclude the investigation in an impartial and fair manner by considering the grievances of petitioner from all angles.

4. I have heard learned counsel for the parties and gone through the case file.

5. In any case, in my opinion, the petitioner ought to have first approached learned *Ilaqa*/Area Magistrate under Section 156 (3) Cr.P.C for redressal of his grievance, if any, before directly approaching this Court. Section 156 (3) *ibid* empowers a Magistrate to ensure proper investigation. Even otherwise, ordinarily, in case of a grievance arising out of non-registration of an FIR, the aggrieved can seek recourse to remedy by approaching Superintendent of Police under Section 154(3) Cr.P.C. or any other competent police officer per Section 36 Cr.P.C. Even thereafter, if grievance is yet unmitigated, one can then take judicial recourse by approaching a Magistrate of competent jurisdiction under Section 156(3) Cr.P.C. Not only that, an aggrieved party can choose to file a criminal complaint under Section 200 Cr.P.C., if so advised. Reference may be had to Apex Court judgment in “*Sakiri Vasu versus State of U.P and others*”².

6. In the premise, no ground is made out to entertain this petition, which is consequently disposed of. The petitioner is, however, at liberty to approach the appropriate forum for redressal of his grievance, as aforesaid.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

22.08.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

¹ 2008(14) SCC 227

² 2008 (2) SCC 409