

110**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-42346-2023 (O&M)****Date of decision: 25.08.2023**

Vinod Kumar

....Petitioner

Versus

U.T, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Petitioner in person.

Ms. Simsi Dhir Malhotra, APP, UT, Chandigarh.

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 respondents no.2 to 4 to submit their status/inquiry report in a cognizable offence of his abduction and physical assault committed by some unknown persons.

2. Case of the petitioner as pleaded in his petition is that he was kidnapped on 27.04.2022 in a white Honda City car by some culprits near the traffic light of Sector 34-35, Chandigarh. Petitioner later approached the Police Station Sector 19, Chandigarh to register an FIR against the accused who have committed a cognizable offence of kidnapping, extortion, attempt to murder etc. which falls within the ambit of under section 362, 307 IPC. However, the police officials of Police Station Sector 19, Chandigarh did not pay any heed. They instead made him to sit in the Police Station for hours. The police officials did not even get the medical examination of the petitioner conducted. The important evidence related to this case like C.C.TV Video footage, C.D.R. etc. was also not preserved. He requested many times to the concerned police official to register 'Zero' FIR regarding the above mentioned incident, but he lingered the matter on one pretext to another. When the police did not take any action on his request, petitioner then went to Karnal (Haryana) where he took medical treatment from Civil

Hospital, Karnal and also got his MLR (Annexure P-1). He further submits that he also submitted representation to the Senior Superintendent of Police, Mohali, Punjab, *qua* aforesaid incidents under Section 154 (1) Cr.P.C. vide Annexure P-2.

2.1 Petitioner has also filed a complaint under Section 156 (3) Cr.P.C. in the Court of Chief Judicial Magistrate, Taluka Court, Dera Bassi, to register F.I.R. but police has not submitted status report in this regard even after issuance of a bailable warrant to the concerned S.H.O/I.O of this case Annexure P-3

2.2 Petitioner also filed a complaint on the online portal of Punjab State Human Right Commission vide Diary Number 16343/CR/2022. However, as an order dated 09.03.2023 "*Rejoinder dated 22.11.2022 to the report dated 27.09.2022 of the SSP, UT, Chandigarh, has been filed by the complainant, wherein it is stated that the report is not based on facts and the police submitted a wrong report. In these circumstances, investigation pertaining to the inquiry is entrusted to DGP of Commission for submission of report, by the next date of hearing i.e. 01.08.2023*". Notwithstanding, investigating report was not submitted by the DGP of this Commission (Annexure P-4).

2.3 Petitioner then approached CM Office for conducting C.B.I. inquiry in his case but to no avail. His complaint was simply forwarded to the DGP, Punjab vide acknowledgement complaint no.1721/GC-6/DGP/23, dated 16.06.2023 Annexure P5. Hence, the present petition.

3. *Per contra*, learned State counsel seeks dismissal of instant petition. He submits 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 both the parties and gone through the case file.

5. The petitioner has already approached learned *Ilaqa*/Area Magistrate under Section 156 (3) Cr.P.C for redressal of his grievance. 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*”¹.

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 pursue his remedy before the appropriate forum for redressal of his grievance, as aforesaid.

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

(ARUN MONGA)
JUDGE

25.08.2023

‘D’Vir/

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No