

113**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-48476-2021 (O&M)****Date of decision: 24.08.2023**

Sandeep Kumar Pathak

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Dr.Rau P.S.Girwar, Advocate for petitioner.

Mr. Dhruv Dayal, Addl.A.G., 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 respondents no.1 and 2 for fair investigation and look into the complaint filed by the petitioner dated 08.10.2021 to respondent no.3, which is still pending.

2. The contents of complaint reads as follows:-

"Jasbir Singh Rode is the MD of AJ DI AWAAJ' Newspaper and his son Gurmukh Singh Brar is the Head Editor of AJ DI AWAAJ' newspaper. Despite of a responsible person he is in jail under UAPA Act and it is clear from the news of this newspaper that how they keep bad feelings in their heart towards Hindu religion.

The news printed in the 'AJ DI AVAAJ' newspaper shows the bad feelings they keep in mind towards Hindu religion and the news of 'Aj' had tried to create differences between Hindus and Sikhs and the religious sentiments of Hindus had got hurt. The FIR registered under UAPA Act against the editor of the newspaper and the printing of these type of news by this newspaper shows, that by creating instigation between two communities, they are doing a big conspiracy with the help of neighbouring countries against Hindustan. An inquiry should also be conducted regarding the funding of the newspaper.

So, it is requested to you, that an FIR should be registered and an inquiry should be assigned to NIA against the trustees of 'Aj Di Awaaj', MD Jasbir Singh Rode, Head Editor Gurmukh Singh Brar and the journalist who made the news."

3. Learned counsel for the petitioner submits that main grievance of the petitioner is that he being on social media platform saw a news published by the newspaper "Ajj Di Awaaz" outraging the religious sentiments of Hindu, for which he

made a complaint Annexure P-2 to respondent no.3 who is not conducting fair expeditious investigation into his complaint.

4. Learned counsel for the petitioner further submits that action of the police in not registering FIR is against the mandatory provisions of Section 154 Cr.P.C. Therefore, a direction be issued by this Court for registration of an FIR.

5. *Per contra*, learned State counsel strenuously opposes the prayer made. He contends that if any case is made out, law will take its own course and no indulgence is warranted by this Court.

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

7. 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*”¹.

8. In the premise, instant petition is dismissed.

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

(ARUN MONGA)
JUDGE

24.08.2023

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