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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-47523-2023 (O&M)****Date of decision: 20.09.2023**

Maninderpal Singh and another

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Gagandeep Singh Sirphikhi, Advocate for petitioners.

Mr. DhruvDayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner seeks issuance of directions to respondents No.1 to 4 to conduct an inquiry/investigation regarding false registration of FIR No. 104 dated 23.06.2023, under Sections 323, 325 read with Section 34 IPC, at Police Station, Majitha, Police District Amritsar Rural by constituting a Special Investigation Team.

2. The petitioners' counsel submits that on 26.05.2023, the petitioners had a dispute with their paternal uncle (Taya) Harjinder Singh and paternal aunt (Tayi) Amarjit Kaur (respondents No.11 and 12) over the sale of joint Sheesham trees. During the altercation, the uncle injured petitioner No.1's left-hand little finger with a datar, while Tayi Amarjit Kaur slapped him, removed his turban, and dragged him. Additionally, private respondents No.6 to 10 inflicted injuries on petitioner No.1, who was initially treated at Civil Hospital, Majitha, from 26.05.2023 to 29.05.2023 and then at Guru Nanak Dev Hospital, Amritsar, from 29.05.2023. Furthermore, it is argued that despite this, respondent No.12 Amarjeet Kaur falsely filed FIR No.91 dated 28.05.2023, under Section 323 and 354-B of the IPC at Majitha Police Station against Jobanpreet Singh and Prempreet Singh regarding the injuries suffered by petitioner No.1 on 26.05.2023. After being discharged from the hospital on 31.05.2023, petitioner No.1 was lured out of his house on 06.06.2023 by Lovepreet

Singh and Mandeep Singh (respondents No.9 and 10), where Sukhwinder Singh alias Sohi, Navtej Singh, and Gurmit Singh (respondents No.6 to 8) were present in a white i-20 car. They forcibly took him to respondent No.5-SHO, who brandished a pistol, threatened him, and coerced him into signing blank papers. Subsequently, SHO arrested petitioner No.1, who is now out on bail. Upon his release, he discovered that SHO had registered another FIR against Jobanpreet Singh and Prempreet Singh, using the blank paper signed by petitioner No.1.

2.1. The petitioner's counsel contends that petitioner No.1 was falsely implicated in an FIR based on the complainant/respondent No.12's unfounded allegations. It is alleged that respondent No.5-SHO, in collusion with private respondents, filed a fraudulent FIR against Jobanpreet Singh and Prempreet Singh regarding petitioner No.1's injuries. Therefore, there is a demand for an investigation by establishing a Special Investigation Team (SIT). The petitioners had submitted representations without success, leading to the filing of the instant petition.

3. Notice of motion.

4. Learned State counsel appears on service of advance copy of petition and accepts notice on behalf of State of Punjab. He opposes the petition arguing that matter is at investigation stage and law will take its own course.

5. In my opinion, the petitioners ought to have availed other available legal remedies for redressal of their grievance, before directly approaching this Court. Ordinarily, in case of a grievance arising out of unfair or improper investigation of an FIR, the aggrieved person can seek recourse to remedy of approaching police officer superior in rank as 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. who can order investigation and submission of report by police. 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 others¹**.

6. In the premise, instant petition is dismissed. Petitioners are, however, at liberty to approach the appropriate forum for redressal of their grievance, as aforesaid.
7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

20.09.2023
vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No