

118**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-44294-2023 (O&M)****Date of decision: 04.09.2023**

Amit Rajput

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Neeraj Madaan, 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 respondent no.2 to direct respondents no.3 and 4 for conducting fair and proper inquiry/investigation on the complaint/representation dated 14.08.2023 (Annexure P-4) given by the petitioner to respondent no.2 against accused persons. He further seeks a direction to respondent no.3 to decide his aforesaid complaint/representation.

2. Succinct facts first, as pleaded in the petition.

2.1 The grievance of the petitioner is that on 14.05.2023, the accused persons namely Mohit Arora, Dinesh Kumar, Mohit Sharma alias Chhotu, Dyal Verma and Mani and some un-identified persons in-connivance with each other after hatching a conspiracy in pre- planned manner had inflicted injuries to the petitioner. The injury inflicted to the petitioner was declared grievous in nature by the doctor in the further injury report. As per medical report of the petitioner the doctor declared below mentioned injury as grievous:-

"1. X-Ray B/L Nasal Bones.

There is fracture of left Nasal bone is seen for the concerned injury. Hence the concerned injury is declared Grievous in nature". The

copy of Medical Report and Further injury report of the petitioner is Annexed herewith as Annexure P-1.

2.2. Learned counsel for the petitioner further submits that instead of registration of FIR, against the accused persons, police registered false and frivolous FIR against the petitioner and his brother just to help the accused person in the commission of crime and just to put pressure upon the petitioner for compromise. The copy of FIR bearing No. 0040 dated 15.05.2023 under section 379-B, 323, 427. 506, 336, 148, 149 IPC registered at Police Station Division No. 3, Jalandhar, is annexed herewith as Annexure P-2.

2.3 He next submits that during the course of investigation, the offence under section 379-B and 336 IPC has not been made out therefore, deleted by the police and offence under section 341 IPC has been added vide DDR No. 029 dated 28.06.2023. The petitioner has already his surety bonds before the investigating officer. The copy of DDR is annexed as Annexure P-3.

2.4 Further he submits that despite grievous injury inflicted upon the petitioner, the police has not taken any action against the accused persons on the complaint of petitioner. The petitioner made a representation/complaint to respondent no.2 and inquiry vide complaint no. 4738-DCP dated 14.08.2023 was marked to the respondent no. 3/Assistant Commissioner of Police by the Deputy Commissioner of Police (Law & order) (Annexure P-4). Hence, the present petition.

3. *Per contra*, learned State counsel strenuously opposes the prayer made.

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

5. Be that as it may, 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., as was done by the petitioner in the

instant case. 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 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

04.09.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No