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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-8865-2023

Date of decision: 11.09.2023

Navneet Bansal

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Imran Farooqi, Advocate for the petitioner.

Mr.Dhruv Dayal, Addl. AG, Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Article 226/227 of the Constitution of India *inter alia*, seeking issuance of a writ in the nature of mandamus for direction to respondent nos.2 and 3 to safeguard and secure life and liberty of the petitioner from the private respondent and also to restrain the private respondent from subjecting the petitioner to any form of harassment or unwarranted intrusion in his personal life and to ensure that the private respondent face appropriate legal consequences for his actions.

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

2.1 The private respondent approached the petitioner and expressed his interest in a property deal with the petitioner. However, private respondent failed to meet his financial commitments. Instead of seeking a peaceful resolution or addressing the outstanding dues, private respondent, with ill intent, made unfounded and harassing allegations against the petitioner. Further, respondent No. 3 influenced by the private respondent, unnecessarily keep asking the petitioner to come to the police station without valid legal reason. Petitioner is thus repeatedly and unjustifiably summoned to the police station. Hence, the present petition.

3. Notice of motion.

4. On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State.

5. *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.

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. 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. Section 156 (3) *ibid* empowers a Magistrate to ensure proper investigation. 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, 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.

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

(ARUN MONGA)
JUDGE

11.09.2023

Harish Kumar

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No