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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-50236-2023 (O&M)****Date of decision: October 16, 2023**

Sandeep Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Mukesh Yadav, Advocate for petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

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 directions to official respondents No. 1 to 4 to decide the representation dated September 30, 2023 (Annexure P-2).

2. Learned counsel for the petitioner contends that petitioner is known to respondent No.5 being nearby villager and due to this respondent No.5 visited the house of the petitioner and made a request to give him some amount as a loan and petitioner agreed to give Rs.2.50 lakh and in this regard pronote and receipt were also written on April 28, 2021.

2.1 Thereafter, petitioner came to know that respondent No.5 is involved in criminal activities and has good relation with local police. Petitioner requested respondent No.5 to return the amount but he flatly refused to return the same and threatened the petitioner that he will spoil the life of the petitioner if he demanded his money back. When petitioner served legal notice dated August 21, 2023 (Annexure P-1), respondent No.5 got lodged a false complaint on asking of respondent No.6. Petitioner was called by the department in the complaint. Department has not taken any action on the request of the petitioner. No investigation has been carried out.

Thereafter, petitioner moved a representation dated September 30, 2023 to D.G.P. Haryana, but to no avail. Hence, 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 Haryana. He opposes the petition and argues that matter is at preliminary enquiry stage and law will take its own course.
5. In my opinion, the petitioner ought to have availed other available legal remedies for redressal of his grievance, before directly approaching this Court. Ordinarily, in case of a grievance arising out of non-registration of FIR or 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. 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

October 16, 2023
vandana

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