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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50223-2023 (O&M)

Date of decision: 05.10.2023

Gurpal Singh

....Petitioner

Versus

Union Territory, Chandigarh and others

...Respondents

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

Mr. P.S.Paul, Addl.P.P., UT, Chandigarh.

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.2 and 3 to take legal action in complaints/representations dated 18.08.2023 and 24.08.2023 (Annexure P-1 and P2 respectively) to protect petitioner's life and liberty from the hands of respondents no.4 and 5.

2. Learned counsel for the petitioner submits that the petitioner is a retired employee from post office. The official respondents no. 2 and 3 did not take any action against the respondents no.4 and 5 on a complaint/representations dated 18.08.2023 and 24.08.2023 (Annexures P-1 and P-2) given by the petitioner against his son Jinder and his wife Rajbir, who allegedly gave *lathi* blow to him and due to which he suffered serious injuries. Photographs showing injuries and OPD card are annexed herewith as Annexure P-3 and Annexure P-4, respectively.

3. Hence, the present petition.

4. *Per contra*, learned State counsel strenuously opposes the prayer made. He contends that competent police official will look into the matter in an impartial and fair manner by considering the grievances of petitioner from all angles. No interference of this court is thus warranted.

5. It appears to be a family dispute between father and son, but 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 order 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.

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

05.10.2023

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Whether speaking/reasoned: Yes/No

Whether reportable:	Yes/No
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DHARAM VIR 2008 (2) SCC 409
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I attest to the accuracy and
authenticity of this
order/judgement.