

114

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-51428-2023 (O&M)****Date of decision: 10.10.2023**

Harjinder Singh & another

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Nitesh Singla, Advocate for petitioners.

Mr. DhruvDayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (abbreviated as 'Cr.P.C'), seeking directions to respondent No.2 to register an FIR based on the complaint dated 27.04.2022 (Annexure P-1).

2. The learned counsel for the petitioners contends that the petitioners are agriculturists and co-sharers, along with others, of land identified as Khewat No. 222/202 in Village Thethar Kalan, Sub Tehsil Talwandi Bhai, Tehsil & District Ferozepur. Respondent No.3, Jaswinder Singh, was never a co-sharer in the mentioned land. He, in connivance with respondents No.5 to 9, wrongly and illegally executed a transfer deed for land measuring 08 kanal 0 marla, constituting half the share of land measuring 16 kanal 0 marla. A mutation was sanctioned based on this transfer deed.

2.1 Respondent No.4, Karamjit Singh, illegally mortgaged the suit land in favor of Punjab Gramin Bank, Talwandi Sabo, vide Entry No.51 dated 12.10.2016, amounting to Rs.1,98,000/-. The accused obtained a loan on the petitioners' property by forging documents. The petitioners, along with other co-sharers,

lodged a complaint dated 27.04.2022 (Annexure P-1) against the private respondents to respondent No.2, i.e., SSP, Ferozepur, but received no response.

2.2 A civil suit for declaration was also filed by the petitioners, which was decreed in their favor on 01.12.2022, as per the judgment and decree issued by the learned Additional Civil Judge (Senior Division), Ferozepur.

3. Notice of motion.

4. Upon receiving the advance copy of the petition, the learned State counsel appears and accepts notice on behalf of the State of Punjab, opposing the petition.

5. In my opinion, the petitioners should have explored other available legal remedies to address their grievances before directly approaching this Court. In cases involving unfair or improper investigation of an FIR, the aggrieved person can seek recourse by approaching a police officer superior in rank, as per Section 36 Cr.P.C. If the grievance remains unaddressed, they can then seek judicial recourse by approaching a Magistrate of competent jurisdiction under Section 156(3) Cr.P.C., who can order an investigation and submission of a report by the police. Additionally, an aggrieved party can choose to file a criminal complaint under Section 200 Cr.P.C., if advised to do so. Reference may be made to the Apex Court judgment in Sakiri Vasu versus State of U.P and others.

6. Based on the above, the instant petition is dismissed. However, the petitioners are at liberty to approach the appropriate forum for redressal of their grievances, as mentioned earlier.

7. Any pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

10.10.2023

lucky

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No