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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50908-2023(O&M)
Date of Decision:10.10.2023

Karam Chand

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ajay Pratap Singh, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of directions to official respondents No.2 to 5 to take appropriate/proper action and to re-investigate FIR No.0102 dated 31.05.2023, under Section 3 of SC & ST (Prevention of Atrocities), Act.

2. Learned counsel for the petitioner has submitted that on the complaint of the petitioner the matter was investigated by the police and now the police has prepared a cancellation report which although has not yet been presented before the Court. He submitted that the police has not fairly investigated the case and has prayed that the matter may be re-investigated in a fair and impartial manner by the police.

3. I have heard the learned counsel for the petitioner.

4. It is the case of the petitioner himself that the police has already prepared cancellation report and therefore, this Court is of the view that in case a cancellation is filed before the Court, then the petitioner always has a right to file a protest petition before the Court. Even otherwise also in case the

petitioner is alleging that the complaint was not fairly and impartially investigated, then the remedy for the petitioner would have been to first of all to file an appropriate application before the appropriate Court/Special Court for seeking fair and impartial investigation.

5. Hon'ble Supreme Court in ***Sakiri Vasu versus State of Uttar Pradesh and another (2008) 2 SCC 409*** observed as under:

“25. We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under [Section 482 Cr.P.C.](#) We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters, and relegate the petitioner to his alternating remedy, firstly under [Section 154\(3\)](#) and [Section 36 Cr.P.C.](#) before the concerned police officers, and if that is of no avail, by approaching the concerned Magistrate under [Section 156\(3\)](#).

26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under [Section 154\(3\) Cr.P.C.](#) or other police officer referred to in [Section 36 Cr.P.C.](#) If despite approaching the Superintendent of Police or the officer referred to in [Section 36](#) his grievance still persists, then he can approach a Magistrate under [Section 156\(3\) Cr.P.C.](#) instead of rushing to the High Court by way of a writ petition or a petition under [Section 482 Cr.P.C.](#) Moreover he has a further remedy of filing a criminal complaint under [Section 200 Cr.P.C.](#) Why then should writ petitions or [Section 482](#) petitions be entertained when there are so many alternative remedies?

27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly

(though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under [Section 482](#) Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under [Sections 36](#) and [154\(3\)](#) before the concerned police officers, and if that is of no avail, under [Section 156\(3\)](#) Cr.P.C. before the Magistrate or by filing a criminal complaint under [Section 200](#) Cr.P.C. and not by filing a writ petition or a petition under [Section 482](#) Cr.P.C.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere.”

6. In view of the aforesaid position, the present petition is not only pre-mature but is also not maintainable at this stage.

7. Consequently, the present petition is dismissed.

10.10.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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