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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRWP No. 10233 of 2023 (O&M)****Date of decision: 18.10.2023****Sumina****...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. Kamal Gupta, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Petition herein is under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of mandamus, directing respondents No.1 to 4 to protect the life and liberty of the petitioner, who apprehends threat from private respondents No.5 to 8. Further prayer has been made to conduct fair and impartial investigation against private respondents on the basis of representation/complaints dated 22.09.2023, 23.09.2023 and 04.10.2023 respectively.

2. Learned counsel for the petitioner contends that petitioner belongs to a Muslim community. She is residing along with her husband, three children and brother-in-law in village Dharar for the last 20 years. Petitioner has constructed a double story residential house and a big shed for keeping cattle.

2.1 Petitioner purchased land measuring 07 kanal 01 marla from one Lakhwinder Singh vide registered sale deed dated 16.06.2023. Possession of land was delivered to petitioner. After sometime, private respondents started interfering in peaceful possession of petitioner.

2.2 Petitioner approached respondent No.4 i.e Senior Superintendent of Police, Amritsar (Rural) but till date no action has been taken thereon.

4. On service of advance copy of the petition, learned State counsel appears and accepts notice on behalf of the State of Punjab and opposes the petition.

5. In my opinion, the petitioner ought to have availed other legal remedies available to her seeking redressal of her grievance before directly approaching this Court. Ordinarily, in case of a grievance arising out of an unfair or improper investigation of an FIR, the aggrieved person can seek recourse to the remedy of approaching a police officer superior in rank as per Section 36 Cr.P.C. Even thereafter, if the 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 an investigation and submission of a report by the 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 the Apex Court judgment in *Sakiri Vasu versus State of U.P and others*.

6. In the premise, the instant petition is dismissed. The petitioner is, however, at liberty to approach the appropriate forum for redressal of her grievance, as aforesaid.

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

OCTOBER 18, 2023
Shalini

(ARUN MONGA)
JUDGE

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