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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-53036-2023 (O&M)

DATE OF DECISION : 18.10.2023

Pooja Nagra**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Narinder Kumar Beniwal, Advocate,
For the petitioner.

Mr. Dhruv Dayal, Addl. AG, Punjab.

ARUN MONGA, J. (ORAL)

Instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C') seeking directions to respondent No.2 to conduct fair and impartial investigation in application/representation dated 08.05.2023 (Annexure P-1). Further prayer has been made to file status report qua aforesaid representation.

2. Learned counsel for the petitioner contends that petitioner met respondent No.4, who is an Immigration agent, in the year 2022. They developed friendly relations. Petitioner wanted to send his son to Canada on work permit to which respondent No.4 agreed and assured that needful will be done and she will take Rs.3 Lac for getting the work done. Rs.2 lac was paid in cash by the petitioner to respondent No.4 and another sum of Rs.1 lac was paid via google pay. Later when respondent No.4 failed to send son of petitioner to Canada on work permit, he demanded his money. Out of Rs.3 lac, only a sum of Rs.50,000/- has been returned till date. Petitioner approached the concerned police station many a times but to no vain. Hence, the instant petition.

3. Notice of motion.

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