

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12067-2024

Date of decision:14.03.2024

KXXXXXXX

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manjot Singh, Advocate and
Mr. Karan Gaba, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 482 of Cr.P.C. praying for issuance of directions to official respondents to register an FIR on the basis of complaint made by the petitioner, conducting of fair/impartial investigation therein as also directing the SHO, Police Station, Sohana, District SAS Nagar, Punjab for preserving the CCTV footage of the Police Station Sohana, District SAS Nagar, Punjab recorded on 01.03.2024 and 02.03.2024.
2. During the course of hearing; learned counsel for the petitioner has, fairly, stated that the Police has registered one FIR bearing No. 79 dated 04.03.2024 under Section 354-A of IPC at Police Station Sohana, District SAS Nagar, Punjab and hence the prayer for directing the official respondents for registration of FIR does not survive. However, learned counsel for the petitioner has pressed upon the remaining prayer(s) made in the present petition.

3. It would be apposite to refer herein to a judgment dated 12.03.2024 passed by this Court in CRM-M-11075-2024 titled as “***Talima vs. State of Haryana and others***”, relevant whereof reads as under:

“10. As a result of above discussion, the following postulates emerge:

I) Ordinarily, an applicant/complainant ought to approach, in the first instance, the Court of Illaqa/Jurisdictional Magistrate to seek prayer(s) for issuance of direction(s) for registration of FIR, monitoring of investigation in FIR as also other prayers of akin nature.

II) An Illaqa/Jurisdictional Magistrate has, by virtue of section 156(3) of Cr.P.C. of 1973, the requisite powers and jurisdiction to grant plea(s) for issuance of direction(s) for registration of FIR, monitoring of investigation in an FIR, change of investigating officer and prayer(s) of alike nature.

III) In a given case, if the facts/circumstances of such case so warrant, the High Court is well within its jurisdiction to entertain and consider plea(s) seeking registration of FIR, monitoring of investigation in a FIR, constituting an SIT (Special Investigating Team), change of investigating officer & all such prayer(s) of such kind and nature. However, it would be prudent that an applicant/complainant, while seeking to invoke the jurisdiction of the High Court under Section 482 of Cr.P.C. in the first instance seeking prayer(s) of above nature, shows sufficient cause for not having approached the Illaqa/Jurisdictional Magistrate in the first instance.

IV) The High Court, in its inherent jurisdiction under Section 482 of Cr.P.C has unbridled, unfettered and plenary powers. The only restriction on exercise of such powers is self-restraint. No inflexible and comprehensive guidelines can conceivably be enumerated governing the exercise of these intrinsic powers by High Court under Section 482 of Cr.P.C. There is no gainsaying that the nature, mode and extent of such exercise of powers by High Court under Section 482 of Cr.P.C shall depend upon the judicial discretion exercised by the High Court in the facts and circumstances of a given case.”

4. Reverting to the facts of the present case, the prime prayer made by the petitioner for issuance of direction to the official respondents for registration of FIR does not survive as an FIR No.79 dated 04.03.2024 has been registered at Police Station Sohana, District SAS Nagar, Punjab

under Section 354-A of IPC. The petitioner, who claims herself to be a victim of assault etc., has chosen to invoke the inherent jurisdiction of this Court under Section 482 of Cr.P.C. without even referring to, much less disclosing, any impediment being faced by her in approaching the concerned Illaqa/Jurisdictional Magistrate in terms of Section 156(3) of Cr.P.C. In the considered opinion of this Court, the petitioner ought to have approached the concerned Illaqa/Jurisdictional Magistrate in the first instance who is well empowered to grant the substantial relief(s) sought for in the present petition. No such accentuating facts/circumstances have been brought forward by the petitioner which may warrant interference by this Court under Section 482 of Cr.P.C. Accordingly this Court does not find the present case a fit one for exercise of its jurisdiction under Section 482 of Cr.P.C.

Decision

5. The instant petition filed under Section 482 of Cr.P.C. stands dismissed. Needless to state herein that this Court has not delved into the merits of the matter and the same is left open to be considered in appropriate proceedings, if so initiated. There is no gainsaying that the petitioner, if so advised, will be at liberty to file an appropriate petition under Section 156(3) of Cr.P.C., 1973 for redressal of her grievance(s), in accordance with law.

(SUMEET GOEL)
JUDGE

March 14, 2024
Ajay

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