

2024:PHHC:106087



124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14202-2024
DECIDED ON: 16.04.2024

GURDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Lajwant Singh Virk, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. RELIEF SOUGHT

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for issuance of directions to the respondents to constitute the committee of higher officials for conducting a free and fair enquiry on the basis of complaints/representations (Annexures P-2, P-3 and P-5) made by the petitioner against respondent No.4 and other erring officials with further direction to register a case under appropriate provisions of law for misplacing of licenced firearm of the petitioner.

2. FACTS

It is an admitted case of the petitioner that first complaint/representation was made on 03.02.2022 (Annexure P-2); the second in the chain is dated 06.05.2022 (Annexure P-3) and the lastly is dated 14.02.2023 (Annexure P-7) upon which allegedly, no action has been taken.

3. ANALYSIS

The Apex Court in the case of “Sakiri Vasu vs State of Uttar Pradesh and others” (2008) 2 SCC 409; has held as under:-

“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?”

Thus a sequel to the above it can well be crystallized that when an aggrieved person approaches the court in a petition under Section 482 Cr.P.C., then the court is possessed with enormous powers to do justice or remove injustice. The Court’s vast powers are meant to prevent any abuse of the process or to secure the ends of justice. These powers must be exercised for the advancement of justice. Ends of justice are always higher than the ends of mere law and for accomplishing that noble goal the courts have rightly been invested with adequate powers. While saying so at the same time it has to be kept in mind that though the powers possessed by the High Court are extremely wide but the very plentitude of the power requires the court to function with greater caution and circumspection in the exercise of those powers. In other words, the power under Section 482 Cr.P.C., is to be exercised, *ex debito justitiae*, ie to do real and substantial justice.

While exercising powers under Section 482 High Court cannot

interfere with the manner of investigation of a case or direct the investigating agency to investigate from a particular angle or to arrest the accused: The same was observed by the Apex Court in “M.C. Abraham and Another vs State of Maharashtra and Others” (2003) 2 SCC 649, wherein it has further gone to the extent of saying that investigating agency is the master of investigation and is at liberty to proceed in its desired direction being free from any interference

From perusal of petition, it can be easily infer that instant petition is only a clever device with the motive to use it as an arm twist as an after thought after lodging of an FIR against the petitioner.

4. CONCLUSION

Hence, this Court is of the firm view that the present petition is nothing but is wholly misconceived and mischievous devise as an after thought to counterblast the FIR No. 7, dated 21.01.2022, under Sections 420, 427 IPC and Sections 61, 78(2) of Excise Act, registered at Police Station Rangarh Nangal, which absolutely fails for any kind of interference by this Court to exercise inherent powers under Section 482 Cr.P.C., therefore, the petition is ordered to be dismissed.

In the afore-said terms, the present petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

16.04.2024

Sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>