



121

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22649-2024 (O&M)
Date of decision: 22.07.2024

Paramjeet

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.V.S. Behl, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for transfer of enquiry to any superior officer not below the rank of Deputy Superintendent of Police or issue a direction to the official respondents to constitute an SIT to enquire the pending enquiry before respondent No.2 since 09.04.2024, as respondent No.6, who is an Advocate, is safeguarding his son-respondent No.5 (husband of the petitioner).
2. Learned counsel for the petitioner, *inter alia*, contends that the jurisdictional police authorities have failed to perform their statutory duty and they are not investigating the case properly with regard to complicity of other

accused, who have been duly and specifically named by the petitioner.

3. Learned State counsel produces the reply by way of affidavit of Ramanpreet Singh Gill, PPS, Deputy Superintendent of Police, CAWC, Bathinda in the Court today, which is taken on record and he relies upon its para No.6 to contend that nothing survives in the present petition, as grievance raised by the petitioner has substantially been redressed and on the allegations made by the petitioner, FIR No.04 dated 28.05.2024 under Sections 498-A, 406 of IPC has been registered at Police Station Women, Bathinda against respondents No.5 & 6. He further contends that one accused has been granted regular bail and second accused is on anticipatory bail.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no merit in the arguments advanced by learned counsel for the petitioner.

5. A two Judge Bench of the Hon'ble Supreme Court in ***Sakiri Vasu Vs. State of U.P. and others, (2008) 2 SCC 409*** and this Court in ***Hansa Singh vs. State of Punjab, CRM-M-18831-2022, decided on 12.05.2022***, held that the Magistrate has been bestowed with all necessary powers to ensure proper investigation under Section 156(3) Cr.P.C. Discouraging the practice of approaching the High Court for redressal of grievances like non-registration of FIR or improper investigation, Justice Markandey Katju, in ***Sakiri Vasu's*** case (*supra*), made the following observations :

“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 Criminal Procedure Code 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) Criminal Procedure Code before the Magistrate or by filing a criminal complaint under Section 200 Criminal Procedure Code and not by filing a writ petition or a petition under Section 482 Criminal Procedure Code.

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. This ratio was reiterated in the judgments rendered by the Hon’ble Supreme Court in ***Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhangre and others, (2016) 6 SCC 277*** and ***M. Subramaniam and another Vs. S. Janaki and another, (2020) 16 SCC 728***

7. The High Courts, while exercising its inherent powers under Section 482 Cr.P.C., can issue directions for prompt and proper investigation, however, it would be out of bounds to instruct the investigation to be

completed in a certain time frame, in alignment with the opinion expressed by it. The Courts must be conscious of its influence and not exercise the same in an unwarranted fashion as it may prejudice the conclusion of the investigating agency, straying further away from achieving the overarching goal of justice.

8. Further, even though the jurisdictional Magistrate is well equipped to deal with such type of matters, learned counsel for the petitioner has not able to provide a satisfactory response regarding approaching this Court directly instead of the concerned jurisdictional Court by filing an appropriate application under Section 156(3) Cr.P.C.

9. In view of the facts and circumstances of the case, this Court finds no ground to interfere in the matter. Accordingly, present petition is dismissed being bereft of any merit.

22.07.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No