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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27471-2024 (O&M)
Date of decision: 28.05.2024

Ritika Dhawan

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Sood, Advocate
for the petitioner.

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

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for issuance of directions to respondents No.2 to 5 to submit the enquiry report of the representation dated 06.05.2024 (Annexure P-2).
2. Learned counsel for the petitioner, *inter alia*, contends that private respondents No.6 to 8 have been trying to take forcible possession of the property of the petitioner and they also tried to close her shop, which affects her livelihood and entire incident was witnessed by the general public and only due to their intervention, the petitioner and her family members could be



saved. The private respondents are threatening to eliminate the petitioner and her family members. It is further contended that immediately after the incident, the petitioner has reported to the police control room, but no action has been taken. Thereafter, the petitioner has also submitted a detailed representation dated 06.05.2024 (Annexure P-2) and more than two weeks have been passed and till date, no action has been taken thereon.

3. Per contra, learned State counsel, on instructions from SI Sukhwinder Singh, submits that prior to filing of the representation dated 06.05.2024 (Annexure P-2), one application was moved to the jurisdictional police authorities by father of the petitioner and with regard to examining the veracity of the allegations made in the complaint, the petitioner and her father were approached, however, they did not cooperate and as such, no decision could be taken on the representation (Annexure P-2).

4. Having heard learned counsel for the parties and after perusing the record of the case with her able assistance, this Court finds no ground to interfere in the matter.

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*** has 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 made the following observations:

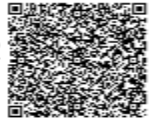


“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court 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 Dhange 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 is not inclined to issue any such direction. Accordingly, present petition is dismissed being bereft of any merit.

[HARPREET SINGH BRAR]
JUDGE

28.05.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No