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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-26736-2024 (O&M)  
Date of decision: 24.05.2024

Pawandeep Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Piyush Sharma, Advocate  
for the petitioner.

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HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No.2 & 3 to conduct fair and unbiased investigation in FIR No.11 dated 09.04.2024 under Sections 498-A, 406, 494 of IPC, registered at Police Station Women Cell, District Ferozepur and to add the relevant Sections under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'the Act'), by any senior police official.
2. Learned counsel for the petitioner, *inter alia*, contends that marriage of the petitioner was solemnized with Ranjit Singh, who is having PR of France, on 02.10.2019 according to Sikh rites and rituals and out of this wedlock, one male child namely Gurniwas Singh was born on 19.06.2020.



After one week of the marriage, on the demand of her in-laws, Rs.68,000/- had been given to her husband to purchase Honda Activa and in connivance with each other, RC of same was prepared in the name of her father-in-law namely Narinder Singh. They harassed the petitioner for bringing less dowry and insisted her to bring more dowry. When she refused to do so, her in-laws gave beatings to her and did not give anything to eat for many days. After two months of the marriage, husband of the petitioner went back to France and he promised to take her to France after preparing all the documents. Her father-in-law, who is an alcoholic person, used to misbehave with the petitioner and pressurized her to consume liquor with him. In the month of March, 2020, sister-in-law of the petitioner, namely Kulwinder Kaur, gave birth to a male child and her mother-in-law went with her to hospital and the petitioner and her father-in-law were alone at home and at about 04.00 a.m., he came in her bed room and misbehaved with her and forcibly committed rape upon her. She told about this incident to her husband, but nothing was done. It is further contended that the factum of first marriage of Ranjit Singh was kept hide by all the accused persons and they solemnized his second marriage with the petitioner by cheating her. In spite of convening the panchayat, the accused persons are not ready to keep the petitioner in her matrimonial house and now she along with her minor son is residing with her father at Ferozepur. With these averments, an application was submitted to the jurisdictional police authorities, on which FIR (*supra*) has been registered.



3. Learned counsel for the petitioner further contends that after conducting the investigation, the Investigating Officer has not added appropriate Sections in the FIR (*supra*), therefore, the petitioner apprehends of fair and impartial investigation. She has submitted a representation dated 27.04.2024 (Annexure P-2) before respondent No.2, but till date, no action has been taken thereon.

4. Having heard learned counsel for the petitioner and after perusing the record of the case with his able assistance, this Court finds no force in the arguments advanced on behalf of 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*** 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.

7. 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.

5. 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.

24.05.2024  
*vishnu*

[ HARPREET SINGH BRAR ]  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No