

2024:PHHC:009984

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-27244-2019

Date of Decision : January 12, 2024

Naresh Kumar Ahlawat

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. B.S.Rana, Sr. Advocate assisted by
Mr. Navyadeep Rana, Advocate for the petitioner.
Ms. Navreet K. Barnala, AAG, Punjab.

KULDEEP TIWARI, J.

1. Through the instant petition filed under Section 482 Cr.P.C., the petitioner has sought issuance of directions upon the official respondent to register an FIR and to further conduct free, fair, thorough and impartial investigation on a complaint dated 23.2.2019.

2. Upon notice, the respondent-State filed a detailed reply. As per the reply, the petitioner-complainant had made several representations/complaints and all were enquired into by the DSP, City Panipat. On an enquiry, the petitioner was informed vide letter dated 15.5.2019, that the allegations levelled by the petitioner have not been found true.

3. Learned Sr. counsel, in support of the prayer, as made in the instant petition, submits that the complaint (supra), disclosed the commission of cognizable offence, therefore, it was the bounded duty of the Station House Officer concerned, to make compliance of Section 154 Cr.P.C. and as per the mandate laid down by the Hon'ble Supreme Court in ***Lalita Kumari Vs. Govt. of U.P. (SC) 2013(4) R.C.R. (Criminal) 979***, to register an FIR. He further submits on the strength of the judgment (supra) passed by the Hon'ble Supreme Court that the scope of

preliminary enquiry before registration of FIR was only to examine as to whether any cognizable offence is made out or not. However, in the instant case, the police instead of registering FIR conducted the enquiry with regard to the veracity of the allegations, which infact is not permissible, therefore, he requested that a direction be issued upon the police official concerned, to comply with the mandate of law laid down by the Hon'ble Supreme Court as well as in view of Section 154 Cr.P.C. to forthwith register an FIR on a complaint made by the present petitioner.

4. Be that as it may, a specific query was put to the learned Sr. counsel as to whether any complaint has been filed before the learned Ilaqa Magistrate concerned under Section 156(3) Cr.P.C., to which he answered in negative, rather he has submitted that the instant motion before this Court under Section 482 Cr.P.C. is effective and efficacious remedy, therefore, they have chosen this Court for redressal of their grievance. The contention of the learned Sr. counsel is not acceptable as the petitioner has an appropriate effective remedy as enshrined under Section 156(3) Cr.P.C. In fact, the petitioner was required to approach the learned Ilaqa Magistrate concerned for redressal of their grievance through appropriate motion , who is equally empowered to order for registration of an FIR or to take cognizance of the complaint by treating the same as a complaint case.

5. Therefore, this Court refrains from exercising its extra ordinary power under Section 482 Cr.P.C., as the petitioner has an alternate remedy. The instant petition is ordered to be **dismissed**, however, the petitioner is at liberty to make appropriate motion before the learned Ilaqa Magistrate concerned for the same relief, which has been sought through the instant petition.

6. Disposed of accordingly.

January 12, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No