

2024:PHHC:147058



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

CRWP-6843-2024
DECIDED ON: 25.07.2024

SONU KUMAR AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.K. Singla, Advocate
for the petitioners.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Kuldeep Singh Saini, Advocate
for respondents No.4 and 5.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *Mandamus* directing the respondents No.2 and 3 to protect the life and liberty of the petitioners with further direction not to allow respondents No.4 to 7 or any other person to interfere in their personal life.

2. 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?”

3. Thus a sequel to the above it can well be crystallized that when an aggrieved person approaches the court in a petition 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 Article 226/227 of the Constitution of India, is to be exercised, *ex debito justitiae*, i.e. to do real and substantial justice.

4. Hence, this Court is of the firm view that since the alternative remedy is already available with the petitioners, therefore, the present petition is nothing but is wholly misconceived and mischievous, which absolutely fails for any kind of interference by this Court to exercise its inherent powers, therefore, the petition is ordered to be dismissed.

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

6. It is pertinent to note here that vide order dated 19.07.2024, a

direction has already been issued to Senior Superintendent of Police, Rupnagar to ensure that no harm is caused to the petitioners and necessary protection, be provided to them, if so required.

25.07.2024

Sham

(SANDEEP MOUDGIL)
JUDGE

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