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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-6889-2024 (O&M)
Date of decision: 22.07.2024

Tarsem Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Jugdeep Kaur, Advocate for
Ms. Sukhveer Kaur, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present writ petition has been preferred under Article 226 of the Constitution of India for issuance of directions to the official respondents to protect the life and liberty of the petitioner, his daughter and maternal granddaughter, as they apprehend danger at the hands of the private respondents.
2. Briefly, the facts are that the marriage between daughter of the petitioner namely Yogita was solemnized with Sandeep Singh, son of respondent No.4, on 13.02.2022. After the wedding, the couple cohabited in London, UK. A female child was born out of the wedlock, however, the behaviour of Sandeep Singh changed after her birth. Sandeep Singh as well as

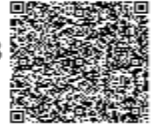


respondents No.4 & 5 began harassing daughter of the petitioner. Her in-laws threatened to solemnize a second marriage of Sandeep Singh. Jagdeep Singh, brother of Sandeep Singh, also began misbehaving with her and tried to outrage her modesty numerous times. Respondents No.4 & 5 telephonically threatened to kill the daughter and granddaughter of the petitioner, if she lodges a complaint against them. The daughter of the petitioner had made a complaint against Jagdeep Singh on 25.05.2023. The private respondents have been threatening to kill her and her daughter, when they come to India, in case she does not withdraw the said complaint.

3. Learned counsel for the petitioner, *inter alia*, contends that all the gold ornaments and important documents of Yogita, daughter of the petitioner, were stolen by her husband and he refuses to return the same. On 01.07.2024, respondents No.4 & 5 came to house of the petitioner, along with 7-8 unknown persons and manhandled him. They also threatened to kill his daughter and granddaughter, when they will visit India.

4. Having heard learned counsel for the petitioner and after perusing the record of the case with her 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



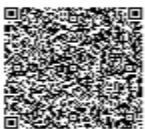
High Court for redressal of grievances like non-registration of FIR or improper investigation, Justice Markandey Katju made the following observations:

“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 Dhangre and others, (2016) 6 SCC 277, M. Subramaniam and another Vs. S. Janaki and another, (2020) 16 SCC 728, Dilawar Singh vs. State of Delhi 2007(4) R.C.R(Criminal) 115.***

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. Moreover, this Court does not find any reasonable apprehension of threat for the petitioner or his daughter and granddaughter, especially considering the fact that his daughter and granddaughter live in London, UK.

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

22.07.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No