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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42481-2024 (O&M)
Date of decision: 31.08.2024

Babita

... Petitioner

Vs.

State of Haryana and others

... Respondents

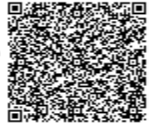
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ojas Bansal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking issuance of directions to the respondents to conduct proper and fair investigation in FIR No.112 dated 26.06.2024 under Sections 354-A & 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Women Police Station Jind, District Jind expeditiously and also to add the relevant Sections i.e. Sections 354, 294 & 509 of IPC, in the said FIR.
2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is a victim of highhandedness of the jurisdictional police authorities. In spite of the fact that FIR (*supra*) was registered on 26.06.2024, the local

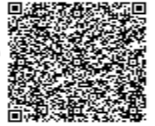


police has failed to perform its statutory duty and has acted in a partisan manner under the pressure of the accused, who is a senior officer, whereas the petitioner is working as a Clerk in the Department. The petitioner approached the concerned quarters against inaction of the local police and then approached the senior functionaries of the State including Additional Director General of Police and National Commission for Women and she reiterated her allegations before the jurisdictional Magistrate, when her statement was recorded under Section 164 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'). The accused is Assistant Labour Commissioner and under his influence, the investigating agency has not conducted proper and fair investigation.

3. *Per contra*, learned State counsel, on instructions from ASI Reema, submits that veracity of the allegations made by the petitioner has been thoroughly examined and investigating agency has prepared the cancellation report, which would be submitted before the jurisdictional Court within a period of four weeks from today or on the date fixed before learned Court below. She further submits that the petitioner has alternative and efficacious remedy before the jurisdictional Magistrate.

4. Having heard learned counsel for the parties and after perusing the record of the case with their 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



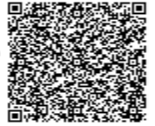
has been bestowed with all necessary powers to ensure proper investigation under Section 156(3) Cr.P.C. Discouraging the practice of approaching the High Court for redressal of grievances like non-registration of FIR or improper investigation, Justice Markandey Katju made the following observations:

“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*** 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.

10. However, the petitioner would be at liberty to avail the alternative remedy as available to her, in accordance with law, for redressal of grievances raised in the present petition.

31.08.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No