

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024:PHHC:147596



CRM-M No. 56299 of 2024 (O&M)
Date of Decision: 12.11.2024

Mohan Lal Sharma

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Mr. Geeteshwar Saini, Advocate, for the petitioner.

Mr. HS Deol, Sr. Deputy Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The grievance of the petitioner, who happens to be a complainant, is essentially of non-registration of offences by the concerned police authorities against the private respondent despite the said authorities having been informed of commission of cognizable offences.

2. Learned counsel for the petitioner submits that the petitioner wants action to be taken against the private respondent with regard to the commission of alleged offences in accordance with law.

3. The Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 provides for ample remedy to the petitioner-complainant arising out of the cause of non-registration of case as well as non-conduction of investigation in a free, fair and expeditious manner. The provision of Section 156(3) of the Code of Criminal Procedure (Section 175 of BNSS) and Section 200 of Code of Criminal Procedure (Section 223 of BNSS) can very well be invoked by the complainant by filing an application before the Magistrate of the area concerned.

4. The petitioner does not appear to have availed either of the aforesaid remedies. Even the law on this point is clear in terms of judgment rendered by Constitution Bench of Apex Court in *Lalita Kumari vs. State of U.P. (2014) 2 SCC 1*, wherein it has been categorically held that once the information/complaint reveals commission of cognizable offence, registration of an FIR is mandatory. However, the Constitution Bench of the Apex Court has made certain exceptions to the extent that police can conduct enquiry before registration of FIR but only to ascertain whether cognizable offence has been committed or not especially in complicated offences and special offences etc.
5. In view of the above, this Court declines interference and relegates the petitioner to avail the aforesaid remedies before the Magistrate of the area concerned.
6. With these observations, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

12.11.2024

ravinder

Whether speaking reasoned	√Yes/No
Whether reportable	Yes/No√