



CRWP-11602-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-11602-2024
Date of decision: 02.12.2024

Charanjit Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankush Bharti, Advocate
for the petitioners.

HARPREET SINGH BRAR, J.

1. The present criminal writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus, directing respondents No.2 & 3 to protect the life, liberty and property of the petitioners from respondents No.4 and 5, who are trying to impede the wedding ceremony of the younger son of petitioner No.1.
2. Learned counsel for the petitioners *inter alia* contends that the marriage of petitioner No.2, who is the elder son of petitioner No.1, was solemnised with respondent No.4 on 18.08.2019 and a son was born out of the wedlock. Since the beginning, the nature of respondent No.4 has been quarrelsome and confrontational. Further, respondent No.5 being the brother of respondent No.4 regularly interferes in the matrimonial life of petitioner No.2 and respondent No.4. Respondent No.5 taking advantage of the fact that the petitioner No.1 is a widow, tried to coerce her to transfer the residential



house in the name of his sister. When petitioner No.1 refused to accede to the demands of the private respondents, they started mentally harassing her and doled out threats on account of respondent No.4 serving as a Constable in Punjab Police and having links with various gangsters and goons. Subsequently, respondent No.4 got the petitioners falsely implicated in a case stemming from FIR, bearing No.113 dated 29.06.2024 under Sections 406, 498-A of IPC.

3. Learned counsel further avers that petitioner No.1 got her younger son engaged and his wedding ceremonies are due to take place from 30th November, 2024 to 5th December, 2024. Upon learning of this fact, the private respondents have been actively trying to break off the engagement. In fact, they went to the extent of visiting the house of the fiancée and belittling the petitioners in order to convince her to call off the wedding with the younger son of petitioner No.1. Moreover, petitioner No.1 submitted two representations dated 25.09.2024 and 07.11.2024 (Annexure P-3 and P-4) to respondents No.2 and 3, however, till date, no action has been taken thereon. Hence, the instant criminal writ petition.

4. Having heard learned counsel for the petitioners and after perusing the record of the case with his able assistance, this Court finds no force in the arguments advanced on behalf of the petitioners.

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 Dhange 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. (now Section 528 of BNSS), 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 petitioners 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. (now Section 175(3) of BNSS).

9. In view of the facts and circumstances of the case, this Court is not inclined to issue any such direction. Accordingly, present criminal writ petition is dismissed being bereft of any merit.

02.12.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No