



CRM-M-5045-2025

-2-

conditions of the said agreement, respondent No.4 agreed to execute and register the sale deed in favour of the petitioner on or before 15.01.2023 after receiving the balance amount and to deliver the possession of the suit property to the petitioner at the time of execution and registration of sale deed. It is further alleged that on 23.11.2022, respondent No.4 by discarding the terms and conditions of the said agreement and in pulse of greed and with a motive to cheat and defraud the petitioner had sold the suit property to respondent No.5 vide sale deed Vasika No.1735 dated 23.11.2022. When the petitioner came to know about the same, he immediately moved an application to Naib Tehsildar Mandi Gobindgarh stating that on the basis of alleged sale deed, the mutation may not be sanctioned as respondent No.4 had already entered into an agreement to sell with him to sale the property mentioned in the sale deed. Thereafter, the Naib Tehsildar directed the *halaqa patwari* to produce the status of the said suit property and vide report dated 23.12.2022, it has come to the knowledge that the mutation had already been sanctioned on 09.12.2022 on the basis of alleged sale deed. Further, respondent No.4 has committed fraud with the petitioner selling the above suit property to respondent No.5 and respondent No.5 further sold the property to respondent No.6. Thereafter, the petitioner moved a representation to respondent No.2 to take legal action against the private respondents for committing fraud with him.

3. Having heard learned counsel for the petitioner 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 petitioner.

4. 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



CRM-M-5045-2025

-3-

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.”

5. 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, 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.***



CRM-M-5045-2025

-4-

6. 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.

7. 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.

8. 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

29.01.2025*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No