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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5880-2025

Date of decision: 31.01.2025

Narinder Sharma

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Petitioner in person.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for issuance of directions to respondents No.2 to 4 for taking action against the complaint No.7944-PC-COP dated 03.10.2024 (Annexure P-7) filed by the petitioner on 23.09.2024 against respondent No.5.
2. Petitioner who is present in the Court *inter alia* contends that he is suffering from Carcicona (Cancer) which was diagnosed in the year 2013 and he is getting treatment from Tata Memorial Hospital at Mumbai. He further submits that respondent No.5, who is his neighbour is fully aware about his condition and unnecessarily and continuously threatening, troubling and torturing the petitioner and his family members. On 11.11.2019, respondent No.5 roams around in the lane with his licensed revolver and threatening the petitioner and his family members by firing openly in front of the house of the petitioner and showing his dominance on the pretext of holding a revolver. It is thus prayed to issue an appropriate direction to the official respondents to investigate the complaint (*supra*).



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3. Per contra, the learned State counsel, on instructions from ASI Manish, submits that the representation filed by the petitioner has been decided on 29.01.2025 and the veracity of the allegations made by the petitioner has been thoroughly examined and it has been determined that they are false. Accordingly, it is ordered that the representation is without any substance and consigned to the record. The jurisdictional police authorities have already registered two FIRs against private respondent No.5. He further submits that the petitioner has approached this Court without taking recourse to the provisions of Section 156(3) Cr.P.C.

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, 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

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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.

(HARPREET SINGH BRAR)
JUDGE

31.01.2025*Neha*

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