



124

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9065-2025

Date of decision: 17.02.2025

Pritam Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sonu Bhatia, Advocate with
Mr. Amit Sharma, Advocate
for the petitioner.

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 respondent No.2 to look into and consider the representation dated Nil bearing UID No.520106 (Annexure P-3) submitted to respondent No.2 on 01.02.2025 which has been marked to respondent No.3 by respondent No.2 and further to direct respondent No.2 to take an action upon representation (Annexure P-3) and get the same enquired from any other police officer instead of respondent No.3.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner entered into an agreement with respondent No.4 for purchase of one plot No.37 upon which, one house is built in Kiran Vihar Mullanpur District Ludhiana, wherein, it had agreed that respondent No.3 will be bound to clear all the concerned documents. It is further submitted that before the agreement entered into, respondent No.3 assured the petitioner that aforesaid plot is situated in regular approved colony and respondent No.3 will provide No

Objection Certificate to the petitioner, however, after an agreement was made,



CRM-M-9065-2025

-2-

more than six years have elapsed but respondent No.3 has failed to provide No Objection Certificate to the petitioner. Further, on 27.01.2025, private respondents came to the house of the petitioner and abused him. On 28.01.2025, respondent No.4 attacked the wife of the petitioner and resorted to physical violence. Thereafter, respondent No.4 in connivance with private respondents started beating the petitioner as well and gave a blow of punch to turban of the petitioner. The petitioner got admitted his wife in the Civil Hospital, Raikot Ludhiana, and then went to Police Station Mullanpur and narrated the entire incident but respondent No.3 instead of lodging FIR against the private respondents, forced the petitioner to sign some papers. Thereafter, he made representation to respondent No.2 on 01.02.2025 (Annexure P-3) but no action has been taken so far.

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 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.***

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

17.02.2025

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No