

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

**CRWP-2038-2025 (O&M)
Date of Decision: 01.03.2025**

RAJESH KEHAR

...Petitioner

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Divya Gulati, Advocate
for the petitioner.

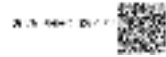
Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Article 226 of Constitution of India seeking issuance of directions to respondents No. 2 and 3 to protect the life and liberty to the petitioner and his family members at the hands of respondents No. 4 to 6 and also to direct respondents No. 1 to 3 to enquire the complaints (Annexure P-1 to P-4) made by the petitioner.

2. Learned counsel for the petitioner *inter alia* contends that respondents No. 4 to 6 and their associates, have two times attacked upon the petitioner's son with the intention to kill him but he somehow escaped and still the petitioner and his son have apprehension of their lives being in danger from anti-social elements who are hand in gloves with the private respondents.

3. *Per contra*, learned State counsel on instructions from Investigating Officer submits that veracity of the allegations made by the petitioner have been thoroughly examined and no truth has been found in the same. There is a private dispute between the petitioner and private respondents with regard to management of Temple Committee and the threat perception to the petitioner and his family members, has been dispassionately examined and it was found that there is no threat to the life and liberty of the petitioner.

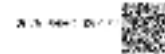


4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

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 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.*

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 been 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.

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

01.03.2025
Ajay Goswami

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