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

**CRWP-2393-2025 (O&M)
Date of decision: 11.03.2025**

Darshan Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Narender Kumar, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. Present criminal writ petition has been filed under Articles 226/227 of the Constitution of India seeking directions to respondents No.1 & 2 to protect the lives and personal liberty of the petitioners from the hands of respondents No.3 to 17 and to register a criminal case against them.

2. Learned counsel for the petitioners, *inter alia*, contends that in March, 2024, an agreement to sell was executed amongst the petitioners and private respondents qua the land belonging to the petitioners, at the rate of Rs.75.00 lakhs per acre, out of which Rs.25,60,000/- are due towards the private respondents. Thereafter, the rate was enhanced to Rs.78.00 lakhs.



However, due to non-fulfillment of the payment, on 05.04.2024, an application was moved by the petitioners before Tehsildar to stop transfer of the land. On 05.10.2024, respondents No.5 to 8, by showing a firearm, threatened the petitioners. Thereafter, the petitioners made a complaint to the jurisdictional police authorities, but no action was taken. The petitioners also submitted representations (Annexure P-1, P-3 & P-7) to higher police authorities, however, the same have not been decided so far.

3. 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.

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) of 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*** and ***M. Subramaniam and another Vs. S. Janaki and another, (2020) 16 SCC 728***.

6. The High Courts, while exercising its inherent powers under Section 482 of 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 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) of 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.

9. However, the petitioners would be at liberty to invoke the alternative remedy, as available to them, in accordance with law.

11.03.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No