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

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**CRWP No.2954 of 2022
Date of Decision: 15.09.2025**

Manpreet Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vivek K.Thakur, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondents No.1 to 5-State.

Mr. Arun Singla, Advocate,
for respondents No.6 and 7.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition filed under Article 226 of the Constitution of India has been made by the petitioner for giving direction to the official respondents No.2 to 5 to protect life and liberty of her father and herself at the hands of the respondents No.6 and 7.

2. It is submitted by learned counsel for the petitioner that her mother Jasbir Kaur had committed suicide by consuming some poisonous substance on 13.06.2019 due to being harassed and blackmailed by the respondents No.6 and 7. The respondent No.6 who had developed illicit

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relationship with her mother, had clicked some objectionable photographs and on the basis of the same had been blackmailing her and trying to extort money by extending threats to otherwise upload those photographs on social networking sites and to defame her. Her mother had given a huge amount of money and gold to the respondents No.6 and 7 who were trying to extract more money. The petitioner lodged a complaint against them on 08.07.2019 but no action has been taken till date. Rather she is being pressurized by the police officials to compromise the matter with the respondents No.6 and 7 and threats are being extended to her father and herself. The petitioner has accordingly made prayer for registration of FIR on the basis of complaint (Annexure P-2) dated 08.07.2019 as filed by her and to protect her life and liberty at the hands of respondents No.6 and 7.

3. The respondents No.1 to 5 have filed a joint reply submitting that inquiry was conducted on the complaint filed by the petitioner and a detailed reply was submitted on 19.09.2020. The allegations levelled by the petitioner against the respondents No.6 and 7 were not substantiated. On recommendation of DSP, Sub Division Bholath, District Kapurthala, the complaint was ordered to be closed and after approval by the respondent No.4, it was closed on 13.05.2022. It is submitted that the allegations as levelled in the petition are totally unsubstantiated and hence, it is urged that the petition is liable to be dismissed.

4. So far as the prayer made by the petitioner for registration of FIR on her complaint dated 08.07.2019 is concerned, it is apparent from the status report filed by the respondents No.1 to 5 that the abovesaid complaint

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dated 08.07.2019 had been ordered to be filed on 13.05.2022 itself. The petitioner is aggrieved from the fact that no FIR has been registered against the respondents No.6 and 7 on her complaint that they abetted suicide by her mother. In the considered opinion of this Court, if the official respondents did not register any FIR on her complaint, then the proper course for her was to file an application under Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) (which is pari materia with Section 156(3) of Cr.P.C.) before the Jurisdictional/Illaq Magistrate as the concerned Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made. The Magistrate is also competent to monitor the investigation to ensure a proper investigation.

5. It is well settled that remedy for a person aggrieved of non registration of FIR or conducting of investigation by the police, is not to go to the High Court under Article 226 of the Constitution of India but to approach the Magistrate concerned under Section 175(3) of BNSS. If such an application is made and the Magistrate is prima facie satisfied, he can direct the FIR to be registered. Reliance in this regard can be placed upon **Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and others**, (2016) 6 SCC 277 and **Sakiri Vasu v. State of Uttar Pradesh and others**, (2008) 2 SCC 409. In view of the above, this Court is inclined to hold that no case for giving any direction to the official respondents for registration of FIR is made out and, therefore, the relief so claimed cannot be granted. It is, however, clarified that it will be open to the petitioner to approach the Court of Illaq Magistrate if deemed appropriate and necessary to take steps to

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protect her interest.

6. So far as the prayer as made by her to the effect that there is danger to life and liberty of her father and herself at the hands of respondents No.6 and 7 is concerned, no specific instance or incident has been quoted by her to that effect. The simple averment in the petition does not show that infact any such threat perception exists. This petition was filed way back in the year 2022 and in the absence of any specific instance being quoted, this Court holds that no ground for grant of this relief as such is also made out. Accordingly, the petition is dismissed.

7. It is, however, clarified that this Court has not expressed any opinion on the merits and on the question whether any criminal offence is made out against the private respondents or not and the petitioner shall be at liberty to seek alternative appropriate remedy as per law with regard to the relief qua registration of FIR.

15.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No