



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

CRM-M-13659-2025
Date of decision: 12.03.2025

AMARJEET SINGH

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akun Sheemar, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of BNSS, 2023 for issuance of directions to respondent Nos.1 to 3 to investigate into the complaint dated 05.03.2025 (Annexure P-1) of the petitioner as per law and take appropriate action against respondent Nos.4 and 5.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner facilitated an introduction between Parvez Alam (respondent No.5) and one Sandeep for propose of contracting mining work. Pursuant to the arrangement, the petitioner transferred an amount of Rs.3 lakh to the account of Sandeep for mining work. However, respondent No.5 refrained to carry out the mining work and started demanding the afore-mentioned amount. He submits that for purpose of taking his money back, private respondents invited the petitioner to the residence of respondent No.4 and demanded their money back and they also demanded a cheque from petitioner for an amount of Rs.3 lakhs as security. When the petitioner refused to do so, they misbehaved with



him and threatened to kill him and also to face dire consequences. They forcefully snatched the keys of the car owned by the petitioner and parked the same inside the house of respondent No.4. The said vehicle contained red-coloured bag, in which, important documents, personal clothing of petitioner and a sum of Rs.1,60,000/- were kept and the private respondents refused the petitioner to take possession of his articles and money. It is thus prayed to issue directions to respondent Nos.1 to 3 to inquire into the complaint (Annexure P-1) as per law.

3. Having heard learned counsel for the petitioner and after perusing the record of the case with her 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*** 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 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 with liberty to the petitioner to avail alternative remedies as available to her in accordance with law.

March 12, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |