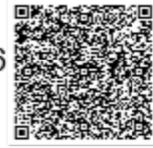


2025:PHHC:055886



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

CWP-9147-2025

Date of Decision: 30.04.2025

Mahipal and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Meenakshi Sharma, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Mandamus for directing the respondents to lodge FIR under Sections 318(4), 338, 336(3), 340(2) and other relevant provisions of the Bharatiya Nyaya Sanhita, 2023 (in short 'the BNS') against Smt. Navjeet Kaur, Assistant Collector, 2nd Grade, Farrukhnagar, District Gurugram, Sh. Rajbir, Reader to the Assistant Collector, 2nd Grade, Farrukhnagar, District Gurugram, etc. and other official respondents and private respondents, in pursuance of complaint dated 28.02.2025 (Annexure P-17) submitted by the petitioners.

2. Briefly, petitioners claim that they are co-owners of the land comprised in Khewat Nos.85 and 87, situated at Village Dhanawas, Tehsil

Farrukhnagar, District Gurugram. It is stated that the petitioners submitted two separate applications seeking partition of the aforesaid khewats and the said applications came to be consolidated, vide order dated 23.08.2024, upon an application being submitted by the petitioners.

2.1 It is alleged by the petitioners that thereafter, respondents had moved a forged and fabricated amendment application on behalf of the petitioners, to which the reply was filed by respondents No.7 to 9, i.e. Ankur Garg, Shashi Garg and Shadi Ram, and *ex parte* partition proceedings were carried out and completed with the issuance of *Sanad Takseem*. Petitioners claim that they were shocked to learn about the aforesaid fact, which came to their knowledge when the respondents came to take possession of the land in question; whereupon, the petitioners immediately filed a revision petition before the learned Commissioner, Gurugram Division, Gurugram, who, vide its order dated 27.02.2025 stayed the possession proceedings. It is stated that prior to the aforesaid revision petition, the petitioners had submitted a complaint before the Sub Divisional Magistrate, Pataudi on 21.02.2025, alleging that the fraud has been committed upon them by the respondents, however, no action was taken thereon. It is stated that thereafter, petitioners submitted another complaint dated 28.02.2025 before the Station House Officer, Police Station Farrukhnagar, for taking appropriate legal action against the respondents for the aforesaid fraud, but again nothing was done.

3. In the aforementioned circumstances, petitioners have filed the instant writ petition before this Court seeking relief(s), as noticed hereinabove.

4. Heard.

5. Having considered the facts of the instant case, I am of the view that as regards the prayer of petitioners for registration of FIR in terms of complaint dated 28.02.2025 (Annexure P-17) submitted by them, the proper remedies are set out under Sections 173 and 175 of the Bharatiya Nagarik Suraksha Sanhita (in short 'the BNSS'), whereby the Illaqa/Jurisdictional Magistrate has the necessary powers and jurisdiction to grant plea(s) for issuance of direction(s) for registration of FIR, etc. Although, in the given case, if the facts/circumstances so warrant, the High Court is well within its jurisdiction to entertain and consider pleas seeking the registration of FIR, however, it would be prudent that the complainant, who seeks to invoke the jurisdiction of High Court at the first instance, as regards seeking directions for registration of FIR, etc., shows sufficient cause for not having approached the Illaqa/Jurisdictional Magistrate at the first instance.

6. During the course of hearing of the instant writ petition, learned counsel for the petitioners has failed to put forth any extenuating facts/circumstances which may warrant interference by this Court.

7. Keeping in view the aforesaid facts and circumstances, the present writ petition is dismissed, however, leaving it open to the petitioners to file an appropriate petition under Section 175 of the BNSS, seeking redressal of their grievance(s), in accordance with law.

8. All pending application(s), if any, shall also stand closed.

30.04.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No