

2025:PHHC:066083



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

**CRM M-26910-2025**

**Date of Decision: 16.05.2025**

Sandeep

...Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Ramesh Hooda Advocate  
for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has filed the present petition under Section 528 of B.N.S.S. with a prayer to direct the respondents No. 1 to 3 to register a FIR against the respondents No. 4 to 16 regarding the occurrence, in which, FIR No. 127 dated 13.04.2025 under Sections 3(5), 303 and 329(3) of B.N.S. has already been registered at Police Station Sadar Jind, District Jind (Annexure P-9) only against one Sumit against whom there was no complaint and respondents No. 4 to 16 were left out.

2. Learned counsel for the petitioner contends that the petitioner is owner in possession of the land in question measuring 21 Kanals and 03 Marlas at village Khokhri, Tehsil and District Jind. At about 08.30 a.m., on 01.06.2024, the son and wife of the petitioner were in the fields and in the meantime, the private respondents assaulted the son and wife of the petitioner. They were medico legally examined, but no FIR was registered. Ultimately, with the intervention of the Court, one FIR was registered against the private respondents. In fact, the private respondents were trying to forcibly evict the petitioner from the above mentioned land and had manhandled and caused injuries to the petitioner and other family members. Ultimately, the father of the petitioner filed a suit for permanent injunction against Ajmer, Sanjay, Rajesh and Sunehara and the stay application filed by the father of the petitioner was allowed by the Court of Additional District Judge, Jind vide order dated 20.03.2025 (Annexure P-5). Learned counsel further submits that there was an injunction operating in favour of the petitioner, still, the private respondents were interfering in the harvesting of the wheat crop and the police help was required. Even, the father of the petitioner moved an application to the concerned Court for directing the local police station to provide police help to the petitioner, but no action was taken. He further contends that the petitioner had submitted a representation (Annexure P-7) to respondent No. 2 but

again no proceedings were initiated against the private respondents. He further contends that again on 12.04.2025, the private respondents entered in the fields of the petitioner and his crop was destroyed and threat was extended to him. The petitioner filed a complaint on the next day and the FIR was only registered against Sumit. He further contends that the local police officials are very close to the respondents and respondents No. 5 to 16 were wrongly declared as innocent. Thus, the appropriate directions may be issued to the official respondents to register FIR against respondents No. 4 to 16 regarding the occurrence in question.

3. On advance notice, Mr. Rajinder Kumar Banku, DAG, Haryana, has appeared on behalf of the official respondents and submitted that appropriate legal action has already been taken by registering the FIR in the present case and the investigation shall be conducted fairly. He has further submitted that the complainant is a hardened criminal and the following three FIR's were earlier ordered to be registered against him:-

*“(i) FIR No. 151 dated 27.05.2019 under Sections 148, 149, 323, 325 and 506 IPC, Police Station Sadar Jind.*

*(ii) FIR No. 285 dated 24.06.2023 under Sections 307, 120-B, 323, 34 and 506 of IPC and Section 27, 54 and 59 of Arms Act, Police Station Sadar Jind.*

*(iii) FIR No. 215 dated 31.05.2021 under Sections 186, 353, 427 and 506 of IPC and Section 140 of EC Act 2003 Police Station Sadar Jind”.*

He further contends that the present petition is not maintainable before this Court and the petitioner should avail his alternative remedies before the Court of Magistrate.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, admittedly, earlier an occurrence had taken place between the same parties. However, the police had registered FIR No. 491 dated 12.09.2022 under Section 325 IPC at Police Station Sadar Jind against some of the private parties and others. Thereafter, when the private respondents started interfering in the possession of the petitioner, he filed a civil suit in the Court of Civil Judge (JD), Jind and the injunction application was allowed by the Court of Additional District Judge, Jind vide judgment dated 20.03.2025 (Annexure P-5). Thereafter, the FIR was also got registered by the present petitioner on 13.04.2025. Now, the petitioner is alleging that the private respondents had not respected the interim order passed by the Court of Additional District Judge, Jind. However, the petitioner had the remedy of filing a contempt petition against those persons, who had allegedly disturbed his possession. Moreover, the petitioner should have applied for police help before

the appropriate Court of law instead of filing the present petition before this Court.

6. Apart from that, the main prayer made by the petitioner in the instant petition is to order the registration of the FIR against the private respondents. However, the Hon'ble Supreme Court of India has already examined the issue of maintainability of the writ petition or a petition under Section 482 Cr.P.C. for the purpose of registration of the FIR, when so many alternative remedies are already available in the statute. The Hon'ble Supreme Court has held in the matter of ***Sakiri Vasu Vs. State of U.P. and others, 2008 AIR Supreme Court 907*** as under:-

*“25. We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 Cr.P.C. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters, and relegate the petitioner to his alternating remedy, firstly under Section 154(3) and Section 36 Cr.P.C. before the concerned police officers, and if that is of no avail, by approaching the concerned Magistrate under Section 156(3).*

*26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to*

*approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?*

*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 Cr.P.C. 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) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C. and not by filing a writ petition or a petition under Section 482 Cr.P.C.*

*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”.*

7. Still further, the Hon’ble Supreme Court of India has consistently held that the inherent powers under Section 482 Cr.P.C. should be used sparingly and in the rare cases, especially, when the statutory remedies are available. In the matter of ***Shweta Bhadauria Vs. Ujjal Kumar Burdhan, (2012) 4 SCC 547***, the Hon’ble Supreme Court has held that the power under Section 482 Cr.P.C. are broad, but must be used judiciously and not arbitrarily. Such powers should be exercised sparingly and only in extra ordinary cases. The intervention may be appropriate if the petition discloses extremely serious allegations and requires urgent intervention of the Constitutional Court. However, the Court should generally avoid interfering unless there is a clear case of gross misuse of the power. The allegations in the present case are also too wide, general in nature and unsubstantiated. Moreover, the parties have already availed their remedies before the Civil Court. Thus, the petitioner could very well avail his alternative remedies, which are already available to him before the Court of Magistrate.

8. In view of the above discussion, there is no merit in the present case and the petitioner is not entitled to any relief. However, the petitioner may avail his alternative remedies, if any, available to

him, in accordance with law. It is also made clear that this Court has not gone into the merits of the case and no opinion has been expressed on the merits/rival claims of the parties.

9. In view of the above, the present petition is ordered to be dismissed with aforesaid liberty.

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|---------------------------|------------------------|
| <b>16.05.2025</b>         | <b>(N.S.SHEKHAWAT)</b> |
| amit rana                 | <b>JUDGE</b>           |
| Whether reasoned/speaking | : Yes/No               |
| Whether reportable        | : Yes/No               |