



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

**CRM-M-25984-2025 (O&M)
Date of Decision: 08.07.2025**

SHIV KUMAR KATYAL

...Petitioner

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Kaushik, Advocate for
Mr. A.P.S. Sandhu, Advocate for the petitioner.
Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking issuance of directions to respondents to complete the investigation in a time bound manner and to arrest the accused persons in the FIR No. 09 dated 28.03.2024 registered under Sections 420, 120-B of Indian Penal Code at Police Station NRI Amritsar, after addition of offence under Sections 467, 468 and 471 IPC.
2. Learned counsel for the petitioner *inter alia* contends that petitioner was married with one Jhanvi Malhotra. Wife of the petitioner applied for visa and went abroad and she was also to apply for visa for the petitioner. But after getting the money from the petitioner for going abroad, she did not apply for the visa of the petitioner and starting delaying the matter. It was further contended that the said Jhanvi Malhotra was having an affair with someone at Australia and later on it was found that documents which were submitted to get the visa were also found forged. As such, petitioner filed a complaint to the police on the basis of which, FIR(supra) was registered, but no action was taken upon the same.
3. Notice of motion.



4. Mr. Subhash Godara, Addl. AG Punjab, who is present in the Courts accepts notice on behalf of respondents and on instructions from Investigating Officer submits that veracity of the allegations made by the petitioner have been thoroughly examined and no truth has been found in the same and this is a private dispute between the petitioner and his wife namely Jhanvi Malhotra.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

6. 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.



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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. 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, M. Subramaniam and another Vs. S. Janaki and another, (2020) 16 SCC 728, Dilawar Singh vs. State of Delhi 2007(4) R.C.R(Criminal) 115.***

8. 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.

9. Further, even though the jurisdictional Magistrate is well equipped to deal with such type of matters, learned counsel for the petitioner has not been 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.

10. 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.

(HARPREET SINGH BRAR)
JUDGE

08.07.2025
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No