



110

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

**CRWP-5608-2025 (O&M)
Date of decision: 28.05.2025**

Parveen Bishnoi and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhishek Satija, Advocate
for the petitioners (*through video conferencing*).

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present criminal writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to protect the life and liberty of the petitioners from the hands of respondents No.4 to 7.

2. Learned counsel for the petitioners, *inter alia*, contends that petitioner No.1 is having 20 acres of land and petitioner No.2 (wife of petitioner No.1) owns 07 acres of land and as per family arrangements, petitioner No.1 is also in possession of 10 acres of land, registered in the name

2025:PHHC:073255



of his mother-respondent No.6, namely Damayanti Devi, for the last many years, as such, he is cultivating total 37 acres of land. Further, the petitioners are living in upper portion of the house and respondent No.6 is living in lower portion of the same and elder brother of petitioner No.1 along with his family is residing separately. The family of petitioner No.1 jointly owned a land, situated in Village Dotarawali and there is a dispute between petitioner No.1 and respondents No.6 & 7 regarding demarcation and partition etc. of the said land. In this regard, respondent No.6 filed a civil suit before the jurisdictional Court at Abohar, which is pending for 27.05.2025 and against the same, petitioner No.1 filed an appeal, which is pending before learned Additional District Judge, Fazilka for 29.05.2025, as discernible from Annexures P-1 & P-2, respectively. Furthermore, respondents No.4 & 5 pressurized petitioner No.1 to compromise the matter with respondents No.6 & 7 and threatened him, if he would not give his share to respondent No.6, then they would harm him. Even respondent No.7 threatened petitioner No.1 to implicate him in a false case, if he would not accede to their demand. Upon which, in order to save honour and dignity of his family, petitioner No.1 agreed to compromise and some blank papers were got signed by respondents No.4 & 5, on which, a panchayati compromise was written according to their terms and conditions. Feeling aggrieved, petitioner No.1 sent several representations (Annexures P-8 to P-12) to the jurisdictional police authorities and other authorities on 14.05.2025,



however, till date, no action has been taken thereon. Now respondents No.4 & 5 are pressurizing and threatening petitioner No.1 to compromise the matter and withdraw the representations dated 14.05.2025 (Annexures P-8 to P-12) and the appeal filed before learned Additional Sessions Judge, Fazilka. It is thus prayed to protect the lives and liberty of the petitioners at the hands of respondents No.4 to 7.

3. Learned State counsel appears on advance notice and contends that the primary dispute is an *inter se* conflict between collaterals concerning the demarcation and partition of the land, for which a civil suit is already pending before the jurisdictional Court at Abohar. Although several representations have been submitted to the jurisdictional police authorities, the petitioners have not specifically articulated any specific instance or incident, which would remotely suggest that there is any threat to their life and liberty. Further, the petitioners have equally efficacious alternative remedy under Section 156(3) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') [now Section 175(3) of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short 'BNSS')] for redressal of the grievance raised in the representations dated 14.05.2025 (Annexures P-8 to P-12).

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that there is no specific incident that would indicate any threat to the life and liberty of the



petitioners, as such, this Court deems it appropriate not to interfere at this stage. In case, the petitioners have any grievance with regard to inaction on the representations submitted by petitioner No.1 (Annexures P-8 to P-12), they have an alternative and efficacious remedy to approach the jurisdictional Magistrate under Section 156(3) of Cr.P.C. (*now Section 175(3) of BNSS*) seeking redressal of the grievance raised in the representations dated 14.05.2025 (Annexures P-8 to P-12).

5. 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) of Cr.P.C. (*now Section 175(3) of BNSS*). 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.”

6. 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***.

7. The High Courts, while exercising its inherent powers under Section 482 of Cr.P.C. (*now Section 528 of BNSS*), 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.

8. Further, even though the jurisdictional Magistrate is well equipped to deal with such type of matters, learned counsel for the petitioners 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) of Cr.P.C. (*now Section 175(3) of BNSS*).

9. Keeping in view the aforesaid facts and circumstances of the case and also in view of the law laid down by the Hon'ble Supreme Court in the cases referred to above, this Court is not inclined to issue any such direction. Accordingly, present petition is dismissed being bereft of any merit.

28.05.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

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