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

**CRWP-7168-2025 (O&M)
Date of decision: 07.07.2025**

Anand Jain

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohd. Jameel, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present criminal writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing respondents No.2 & 3 to protect the life and liberty of the petitioner and his family members from the hands of respondents No.4 to 6 and their family members and further to decide the representation dated 05.05.2025 (Annexure P-1).

2. Learned counsel for the petitioner, *inter alia*, contends that on 03.05.2025 at about 08.30 p.m., the petitioner and his friend Nikhil Lal were present at Aroras Mohalla and one Piare Lal, without any reasons, started abusing them. Thereafter, both of them ran away from the spot and after few



minutes, aforesaid Nikhil Lal informed the petitioner that Piare Lal had called them to effect a compromise. The petitioner went at the said place, there Piare Lal along with his brother Gauri and his son Sunny Verma were present and they started giving slaps to him and his friend Nikhil Lal and also threatened to implicate them in a false case, as Gauri is working in Punjab Police. Thereafter, Piare Lal and Sunny Verma made a complaint against the petitioner and his friend Nikhil Lal at Police Station City-2, Malerkotla, investigation of which is entrusted to ASI Jaspal, who is neighbour of Gauri and he is threatening to take action against them. Feeling aggrieved, the petitioner submitted a representation dated 05.05.2025 to respondent No.2 (Annexure P-1) but till date, no action has been taken thereon. Even on the asking of respondents No.4 & 6, the jurisdictional police officials are pressuring the petitioner to withdraw the representation dated 05.05.2025 (Annexure P-1), else he would be implicated in some false case under NDPS Act and would be put behind the bars.

3. Having heard learned counsel for the petitioner and after perusing the record of the case with his 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) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') [now Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023]



(for short '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.”

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 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.

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

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.

07.07.2025
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No