



275

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

CRM-M-49596-2021

Date of decision: 17.03.2025

Shampa Kumar and another

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Harneet Singh, Advocate for
Mr. Vikram Anand, Advocate
for respondent No.7.**HARPREET SINGH BRAR, J. (ORAL)**

1. Present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No.1 to 4 to take legal action against respondents No.5 to 8 and to ensure that the petitioner may not be harassed and pressurized by respondents No.5 to 8.

2. Learned counsel for the petitioners *inter alia* contends that petitioners have studied together and have done BDS and decided to marry each other which fact is opposed by respondents No.6 to 8 as petitioner No.1 belongs to scheduled caste and petitioner No.2 is *brahman* by caste. Despite opposition, the petitioners have solemnized marriage on 08.04.2018 and started residing together along with respondent No.7 in the house owned by late father of petitioner No.2. He further submits that ever since the marriage of the petitioners, the behaviour of respondents No.6 to 8 was not good only for the reason that petitioner No.1 belongs to a scheduled caste. On 10.01.2020,

**CRM-M-49596-2021****-2-**

petitioner No.1 gave birth to a daughter and a son, however, respondents No.6 to 8 kept on harassing the petitioners and consequently, it has been mutually decided that respondent No.7 shall reside on the first floor of the house and petitioners along with their children shall stay on the ground floor of the house but respondent No.7 did not mend her ways and started uttering bad words regarding caste of petitioner No.1 and further started asking the petitioners to vacate the house. Consequently, petitioner No.2 was constrained to file civil suit for permanent injunction restraining respondents No.6 & 7 and sister of petitioner No.2 from dispossessing the petitioner from the ground floor of the house. The learned Civil Judge (Junior Division) Gurdaspur vide order dated 03.06.2021 directed the defendants of the suit to maintain *status quo* over the house. Thereafter, respondents No.6 to 8 in connivance with each other scuffled with petitioner No.2 and extended threats to the petitioners that they will be implicated in a false case. It is thus prayed to issue an appropriate direction to the official respondents to take legal action against respondents No.5 to 8.

3. Per contra, the learned State Counsel refers to the status report and submits that the veracity of the allegations made by the petitioners has been thoroughly examined and it was concluded that no further action is required, as the dispute concerns family members in relation to the partition of property and a civil suit in this regard is currently pending adjudication. He further submits that respondent No. 6 has since retired and no cause of action is agitated against him.



4. 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 petitioners.

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) 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.

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.”



CRM-M-49596-2021

-4-

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, 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.*

7. 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.

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) Cr.P.C.

9. 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

17.03.2025

Neha

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