



CRWP-9169-2024 (O&M)

-1-

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARHCRWP-9169-2024 (O&M)
Date of Decision: 14.01.2025

LILIMA BEGUM AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Malkit Kaur, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This criminal writ petition has been filed under Article 226 of Constitution of India seeking directions to official respondents to protect the life and liberty of petitioners from private respondents.

2. Learned counsel for the petitioners *inter alia* contends that petitioners No. 1 and 3 had gone to the private respondents for renting a room and the rent was settled between the parties as Rs. 7,000/- per month and Rs. 5,000/- was paid at the spot as discernible from Annexure P-1 and thereafter, on 05.09.2024 at about 1.00 PM, the petitioners again visited the house of the private respondents and requested to return their advance money, which they had given to them as rent. However, the private respondents attacked the petitioners No. 1 and 3 with deadly weapons, due to which they received several injuries. Thereafter, Lalit and Manish reached the spot to rescue the petitioners No. 1 and 3. They were also given

**CRWP-9169-2024 (O&M)****-2-**

and 4 and the aforementioned persons is annexed herewith as Annexure P-2. Thereafter, the injured petitioner No. 4 was referred to Government Medical Civil Hospital, Sector-32, Chandigarh and the medical record of petitioner No. 4 is available on record as Annexure P-3 and further the photograph of the stitches on his eyes is Annexure P-4 and medical record of petitioners No. 1 to 3 is being filed as Annexure P-5 and P-6. Learned counsel for the petitioners further submits that the jurisdictional police authorities have not taken any action against the private respondents and there is immediate threat to the life and liberty of the petitioners at the hands of private respondents. The petitioners can be eliminated by the private respondents as they are influential people. Detailed representation has been filed on 10.09.2024 (Annexure P-7). However, no action has been taken by the jurisdictional police authorities. As such, the petitioners are left with no other option, but to approach this Court.

3. Learned State counsel has filed the status report by way of additional affidavit of Jaspinder Singh, PPS, Deputy Superintendent of Police, Zirakpur, District SAS Nagar on behalf of respondents No. 1 to 3. Same is taken on record. *Per contra*, learned State counsel refers to the status report and submits that the threat perception of the petitioners was dispassionately examined and it has been found that there is no threat to the life and liberty of the petitioners and it is the private dispute between the petitioners and the private respondents and both the parties suffered injuries and in this regard, DDR No. 005 dated 07.09.2024 has been recorded and



since no cognizable offence was made out from the injury report of the injured persons, no further action was taken in the matter.

4. Having heard learned counsel for the petitioners and after perusing the record of the case with her 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.”

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.

14.01.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No