



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

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**CRM-M-46232-2025
Date of decision: 25.08.2025**

GAGANDEEP SINGHPetitioner

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Gaurav Sharma, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 528 of the B.N.S.S. for seeking issuance of appropriate directions to the respondents No. 2 to 4 to conduct fair, proper and impartial investigation in case FIR No. 63 dated 09.05.2025 under Sections 303 (2), 309 (4), 61 (2) of the BNS, 2023 registered at Police Station Sadar Patiala, District Patiala. A further prayer has also been made that the investigation of the aforesaid FIR be entrusted to CBI.

2. Even though an emphatic argument has been raised by the Counsel for the petitioner that the respondent Bank had taken forcible possession of the vehicle by use of muscle power for which an FIR has been registered. He, however, contends that since the Investigating Officer has not



been taking a keen interest in the same, hence, the matter should be referred to the CBI or a direction be issued to the Investigating Agency for conducting a fair and impartial investigation into the matter.

3. A specific query has been put to Counsel for the petitioner as to under what circumstances a matter can be referred for investigation to the CBI, however, he is not in a position to assist this Court with respect to the position in law pertaining to the matters that may be referred to CBI. Further, even though a prayer has been made by the petitioner that the respondents be directed to conduct a fair and impartial investigation, however, there is nothing on record on the basis whereof it may be prima facie assumed that the official respondents are not conducting investigation in fair and impartial manner. Merely because the respondent Investigating agency has not arrested a person does not mean that the investigation is unfair and suffers from partisan approach. It is settled position in law as per the judgment of the Hon'ble Supreme Court in the matter of "**Joginder Kumar versus State of Uttar Pradesh**", reported as **1994 (4) SCC 260** that the power of arrest has to be segregated and examined separately from the need to arrest. There have to be compelling circumstances justifying the need for arrest.

4. In **D. Venkatasubramaniam & Ors. v. M.K. Mohan Krishnamachari & Anr.**, arising out of **SLP (Crl.) No. 3271 of 2007**, the Hon'ble Supreme Court held that the High Court had exceeded its jurisdiction under Section 482 Cr.P.C. by issuing directions to the police on how to conduct the investigation. The Supreme Court emphasized that



investigation of crime is the exclusive domain of the police, and not every investigation must necessarily result in arrest, seizure, or charge sheet. The jurisdiction under Section 482 Cr.P.C. is to be exercised sparingly, cautiously, and only when warranted by the parameters of law. The relevant extract is as under:

“21. The High Court, in the instant case, did not even advert to the relevant facts. As stated in the order itself, it was more guided by the arguments made across the Bar that the police has not taken any steps to arrest the persons and seize the amounts involved in this case from the appellants though there is no such factual foundation as such laid in the petition. It has altogether ignored the counter filed by the police that the police had already examined ten witnesses within a short span of time after the registration of crime and recorded their statements. The High Court, without recording any reason whatsoever, directed the police that it is obligatory on their part to record statements from witnesses, arrest, seizure of property and filing of charge sheet. It is difficult to discern as to how such directions resulting in far reaching consequences could have been issued by the High Court in exercise of its jurisdiction under Section 482 of the Code. The High Court interfered with the investigation of crime which is within the exclusive domain of the police by virtually directing the police to investigate the case from a particular angle and take certain steps which the police depending upon the evidence collected and



host of other circumstances may or may not have attempted to take any such steps in its discretion. It is not necessary that every investigation should result in arrest, seizure of the property and ultimately in filing of the charge sheet. The police, in exercise of its statutory power coupled with duty, upon investigation of a case, may find that a case is made out requiring it to file charge sheet or may find that no case as such is made out. It needs no reiteration that the jurisdiction under Section 482 of the Code conferred on the High Court has to be exercised sparingly, carefully and with caution only where such exercise is justified by the test laid down in the provision itself.

5. Further, it is also evident that the petitioner has failed to allege any motive for an unfair or a biased investigation by the respondent and there is no person against whom any such allegations have been made. Further, the Investigating Officer is not even a party and only the Station House Officer in his official capacity has been impleaded as party.

6. In ***Sakiri Vasu v. State of U.P., (2008) 2 SCC 409***, the Supreme Court clarified the remedies available to an aggrieved person where the police either fail to register an FIR under Section 154 Cr.P.C or do not conduct a proper investigation thereafter. The Court held that the appropriate course is first to approach the Superintendent of Police under Section 154(3) or other officers under Section 36 Cr.P.C, and if relief is still not forthcoming, to move the Magistrate under Section 156(3) CrPC, who has wide powers to direct registration of the FIR and to ensure proper investigation, including monitoring the same. The Court strongly



discouraged the practice of bypassing these statutory remedies by directly filing writ petitions under Article 226 or petitions under Section 482 CrPC (now 528 BNSS) before the High Court. It reiterated that the extraordinary jurisdiction of the High Court must not be invoked as a matter of routine, especially when adequate alternative remedies exist in the Code itself. Further, even in cases where a CBI investigation is sought, such a direction can be issued only if the High Court, upon careful consideration of material on record, finds a prima facie case warranting such inquiry, and not merely on the basis of unsubstantiated allegations. The relevant extract of the aforesaid judgment is as under :

10. *It has been held by this Court in CBI v. Rajesh Gandhi [(1996) 11 SCC 253 : 1997 SCC (Cri) 88 : 1997 Cri LJ 63] (vide para 8) that no one can insist that an offence be investigated by a particular agency. We fully agree with the view in the aforesaid decision. An aggrieved person can only claim that the offence he alleges be investigated properly, but he has no right to claim that it be investigated by any particular agency of his choice.*
11. *In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 Cr.P.C, then he can approach the Superintendent of Police under Section 154(3) Cr.P.C by an application in writing. Even if that does not yield any satisfactory*



result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156(3) CrPC before the learned Magistrate concerned. If such an application under Section 156(3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation.

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25. We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 Cr.P.C. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters and relegate the petitioner to his alternating remedy, first under Section 154(3) and Section 36 Cr.P.C. before the police officers concerned, and if that is of no avail, by approaching the Magistrate concerned under Section 156(3).



26. *If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) CrPC instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover, he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?*

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 CrPC 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 police officers concerned, and if that is of no avail, under Section 156(3) CrPC before the Magistrate or by filing a criminal complaint under Section 200 CrPC and not by filing a writ petition or a petition under Section 482 Cr.P.C.

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33. In Secy., Minor Irrigation & Rural Engg. Services, U.P. v. Sahngoo Ram Arya [(2002) 5 SCC 521 : 2002 SCC (L&S) 775] (SCC vide para 6) this Court observed that although the High Court has power to order a CBI inquiry, that power should only be exercised if the High Court after considering the material on record comes to a conclusion that such material discloses prima facie a case calling for investigation by CBI or by any other similar agency. A CBI inquiry cannot be ordered as a matter of routine or merely because the party makes some allegation.

7. In view of the facts and circumstances of the case as also the arguments advanced by the counsel for the petitioner and bearing in mind the aforesaid judicial pronouncements. I am *prima facie* of the opinion that the institution of the present petition is only to pressurize the investigating agency into conducting an investigation in the manner as may be steered by



CRM-M-46232-2025

-9-

the complainant. The same is not an exercise which would be approved by the High Court. Consequently, the instant petition is dismissed.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 25, 2025
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No