

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

CRM-M-53843-2024
Date of decision: 08.01.2025

....Petitioner

Versus

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Nagar, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab with
Mr. S.S. Goripuria, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for issuance of directions to the official respondents No.2 & 3 for taking appropriate measures to ensure that all the Sections of the offences are included and added in the FIR No.235 dated 10.10.2024 under Sections 420/120-B of IPC registered at Police Station Jamalpur, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is victim of biased investigation by the police and merely an eyewash has been done in spite of the specific allegations against the private respondents who are being shielded by respondent No.5. The petitioner is a helpless lady who has been denied justice despite her being successful in obtaining a direction after her multiple attempts for reporting the atrocities faced by her. He further submits that the private respondents are influential people and the local police is acting under their pressure and failed to perform their statutory duty, therefore, the petitioner is compelled to approach this Court seeking

**CRM-M-53843-2024****-2-**

addition of certain Sections in the FIR (*supra*) and also nominating certain persons as accused where there is a specific allegation and evidence *qua* their complicity available on record.

3. Per contra, the learned State counsel, on instructions from ASI Gurmeet Singh, submits that the FIR has already been registered and the anticipatory bail of three of the accused has already been dismissed by the learned Sessions Court. He further submits that the present petition is premature and is filed only to create pressure upon the Investigating Agency. The investigation is being carried out by the jurisdictional police authorities in a fair manner and the petitioner has equally efficacious remedy by approaching the jurisdictional Court and he has not even able to assign any reason for approaching this Court directly and the FIR stands registered on the complaint made by the petitioner.

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 petitioner.

5. 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. Reliance in this regard can be placed on the judgment rendered by this Court in



‘Hansa Singh vs. State of Punjab’ CRM-M No. 18831 of 2022 (O&M). D/d. 12.05.2022.

6. 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.”

7. 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.***

8. 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.

9. 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) Cr.P.C.

10. 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

08.01.2025
Neha

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