

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 128

Criminal Miscellaneous No.M-55796 of 2025**Date of Decision:** *October 15, 2025*Puneet Singh

..... PETITIONER(S)

*VERSUS*State of Punjab & others

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**PRESENT:** - Mr. Jagandeep Singh Virk, Advocate, for the petitioner.

Mr. Subhash Godara, Additional Advocate General, Punjab.

SUBHAS MEHLA, J

The present petition has been filed under Section 528 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, *inter alia* seeking quashing of order dated 11.07.2025 (Annexure P-15) passed by the Judicial Magistrate First Class, Pathankot, whereby petitioner's prayer under Section 156(3) Cr.P.C. (Section 175(3) Bharatiya Nagarik Suraksha Sanhita, 2023) for registration of FIR has been declined.

2. Learned counsel for the petitioner has contended that petitioner moved an application for initiation of proceedings against the respondents for commission of offences under Sections 323, 341, 117, 119, 120-B, 166, 506 IPC and for registration of FIR under Section 156(3) Cr.P.C. The said prayer had been declined vide order dated 11.07.2025, however the application was ordered to be treated as complaint under Section 210 BNSS. The trial Court has fixed his complaint for preliminary evidence vide the impugned order, and the complaint is still pending.

3. Learned State counsel has opposed the submissions made by learned counsel for the petitioner by submitting that the petitioner has efficacious remedy to approach the Court of Sessions by filing the revision for setting aside the impugned order.

4. Heard.



5. The petitioner is aggrieved against the impugned order whereby his prayer for registration of FIR against the respondents has been declined vide the impugned order. This Court finds that petitioner had remedy to file a revision against the impugned order but despite preferring a revision, he preferred the instant petition before this Court without approaching the first revisional Court i.e. Court of Sessions. Therefore, provisions of Section 528 BNSS cannot be invoked for that purpose.

6. It is a well-settled principle of law that the inherent powers under Section 528 BNSS are to be exercised sparingly, with great caution, and only in exceptional circumstances where there is no other efficacious remedy available. When an alternative remedy exists for redressal of the grievance, the High Court ought not to invoke its inherent jurisdiction. In the present case, as the petitioner has an adequate and effective remedy available under the law, the invocation of jurisdiction under Section 528 BNSS is not warranted.

7. In view of the above discussion, this Court finds no merit in the present petition. Hence the same is hereby dismissed.

8. Pending application(s), if any, also stand(s) disposed of.

(SUBHAS MEHLA)
JUDGE

October 15, 2025

avin

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No