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

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CRM-M-61129-2024 (O&M)

Date of decision: 30.04.2025

Mohinder Kumar Malhotra**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Deepak Arora, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure seeking issuance of direction to the official respondents to register an FIR under Sections 427, 447, 448, 452, 504, 506, 379, 420, 463, 471 and 482 read with Section 120-B of IPC against the accused persons as mentioned in the complaint (Annexure P-26).

2. On 08.01.2025, the following order was passed by this Court:

“...It is submitted in the petition as well as by learned counsel for the petitioner that an application filed under Section 156(3) of Cr.P.C. is pending before the Illaqa Magistrate since long. It is also submitted that official respondents have not filed reply/status report so far and have been seeking repeated adjournments.

Since the matter is already pending before the learned Illaqa Magistrate, therefore, a report be called from the concerned Magistrate with regard to the action taken

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on the application so far. The Magistrate shall also try to dispose of the application as expeditiously as possible.

Learned Illaqa Magistrate is directed to send his/her report by the next date of hearing i.e. 20.02.2025.”

3. In compliance with above mentioned order, a report dated 15.02.2025 has been received from the learned trial Magistrate, wherein it is reported that in the application filed by the petitioner under Section 156(3) of Cr.P.C., a report was filed by the SHO concerned. It had transpired that in order to ascertain the actual and factual position, the demarcation of the land in dispute is required to be done through revenue officer and the SHO concerned has sought three months time to obtain the revenue report in this regard. However, the said report is still awaited and notice has been issued to SHO concerned to file the same and explain the delay caused in doing the needful.

4. Learned counsel for the petitioner has not disputed the aforesaid facts.

5. Since the aforesaid application filed by the petitioner under Section 156(3) of Cr.P.C. is already pending before the learned trial Magistrate, wherein the proceedings are going on, therefore, no case is made out to issue any directions to the official respondents to register FIR. More so, the prayer of the petitioner for registering an FIR cannot be entertained as the remedy for a person having grievance that his FIR has not been registered by the police or the same having been registered, proper investigation is not being done, is not to approach the High Court but to go to the Magistrate concerned under Section 156 (3) of Cr.P.C. Reference in this regard can be

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made to *Sakiri Vasu v. State of U.P., (2008) 2 SCC 409*. Reliance can further be placed upon *Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and others, (2016) 6 SCC 277*, wherein it was observed by Hon’ble Supreme Court that if proper investigation is not being done by the police then the remedy for the aggrieved person is not to go to High Court but to approach the Magistrate concerned under Section 156 (3) of Cr.P.C. as it is the Magistrate who can give direction for registration of FIR and even to conduct proper investigation to be done and this remedy is being availed by the petitioner as mentioned above.

5. In view of the above position, the present petition is devoid of any merit and the same is hereby dismissed, without having any prejudice to the right of the petitioner.

30.04.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>