



CRM-M-61405-2024 (O&M)

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265 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-61405-2024 (O&M)
Date of Decision: 17.02.2025

SAUDAGAR SINGH

...Petitioner

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ranjan Lakhanpal, Advocate and
Mr. Subhkarman Singh Sandhu, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 for issuance of direction to respondent-State to register a criminal case/FIR against the private respondents.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has filed a petition earlier also vide CRWP No. 5108 of 2024 and the said petition was disposed of by this Court vide order dated 30.05.2024. The petitioner has complied with the order passed by this Court and sent a representation dated 10.06.2024 (Annexure P-3) and legal notice dated 22.09.2024 (Annexure P-4). Learned counsel further contends that though the petitioner has complied with the orders passed by this Court, but no action has been taken on the representation dated 10.06.2024 (Annexure P-3) filed by the petitioner. Thus, learned counsel for the petitioner prays that an FIR be registered against the private respondents in accordance with law.



3. Learned State counsel has filed the status report by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub-Division Amloh, District Fatehgarh Sahib on behalf of respondents No. 1 to

4. The same is taken on record. *Per contra*, learned State counsel refers to the status report and submits that all the representation(s) filed by the petitioners were duly enquired into by the then Deputy Superintendent of Police(D), Fatehgarh Sahib, who submitted a report on 01.10.2019 to the effect that allegations made by the petitioner regarding physical assault, moustache cutting, kidnapping and misappropriation of property were unsubstantiated and the matter was purely a domestic dispute of civil nature, which is already pending adjudication before the appropriate Court. Accordingly no cognizable offence was found to have been committed and no further action was warranted.

5. 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.

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 Dhangre 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



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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 been 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

17.02.2025
Ajay Goswami

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*