



113 **IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**
CRM-M-63430-2025(O&M)
Date of Decision: 12.11.2025

HARBANS LAL

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Arun Takhi, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

SHALINI SINGH NAGPAL J. (Oral)

1. In the petition under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, petitioner seeks a direction to respondent No. 2 to hand over the keys of the locker or the jewellery items lying therein, to the petitioner.

2. Learned counsel for the petitioner submits that FIR No. 119 under Sections 406, 498-A IPC, Police Station City Nawashahar, District SBS Nagar was registered on complaint of petitioner dated 04.06.2025 against the husband and parents-in-law of his daughter. The parents-in-law filed a petition for anticipatory bail before learned Sessions Judge, SBS Nagar. While granting bail to the parents-in-law, learned Additional Sessions Judge, SBS Nagar imposed a condition that keys of the locker be handed over to the Investigating Officer who shall deal with it as per law and the locker shall not be operated by any third person. It is argued that entire jewellery of petitioner's daughter weighing 25 *tolas* was lying in the locker in Punjab National Bank, Nawanshahar and she may never

be able to use it. The parents-in-law had handed over the keys of the locker to respondent No. 2 as per directions of the Court. Thus, respondent No. 2-Investigating Officer ought to be directed to hand over the keys of the locker to the petitioner or to handover the jewellery items lying in the locker to him.

3. Notice to official respondents only.

4. Learned State counsel appears on advance notice of the petition and submits that though a condition was imposed by learned Additional Sessions Judge, SBS Nagar, that key of the locker be made over to the Investigating Officer while making absolute, order for interim anticipatory bail, there was no direction that the jewellery in the locker be delivered to the complainant. Thus, no case was made out for issuing directions to the Investigating Officer. He prayed for dismissal of the petition.

5. In **Sakiri Vasu vs. State of U.P. and others, (2008) 2 SCC 409**, Hon'ble Supreme Court observed as under:-

“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 \(3\)](#) Cr.P.C. 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.”

6. In **Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and others, (2016) 6 SCC 277**, Hon'ble Supreme Court observed as under:-

“2. This Court has held in Sakiri Vasu v. State of U.P., that if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to the High Court under Article 226 of the Constitution of India, but to approach the Magistrate concerned under Section 156(3) Cr.P.C. If such an application under Section 156(3) Cr.P.C is made and the Magistrate is, prima facie, satisfied, he can direct the FIR to be registered, or if it has already been registered, he can direct proper investigation to be done which includes in his discretion, if he deems it necessary, recommending change of the investigating officer, so that a proper investigation is done in the matter. We have said this in Sakiri Vasu case because what we have found in this country is that the High Courts have been flooded with writ petitions praying for registration of the first information report or praying for a proper investigation.

3. We are of the opinion that if the High Courts

entertain such writ petitions, then they will be flooded with such writ petitions and will not be able to do any other work except dealing with such writ petitions.

Hence, we have held that the complainant must avail of his alternate remedy to approach the Magistrate concerned under Section 156(3) CrPC and if he does so, the Magistrate will ensure, if prima facie he is satisfied, registration of the first information report and also ensure a proper investigation in the matter, and he can also monitor the investigation.”

7. Section 156(3) Cr.P.C. now Section 175(3) BNSS is wide enough and empowers the Magistrate to pass necessary orders for monitoring investigation and to take such steps as may be necessary for ensuring proper investigation. Concededly, the locker in dispute stands in the name of mother-in-law. The Investigating Officer has already been directed to deal with the matter in accordance with law. There is no reason to believe that the Investigating Officer is not acting in accordance with law. Investigation of the case is entirely in the domain of the police officer concerned and unless there is material to believe that investigation is not proceeding fairly, in the right direction, interference by invoking Section 528 BNSS is not called for. The petitioner has an alternative remedy to approach the jurisdictional Magistrate for necessary orders, in case he finds that investigation is tainted. Since there is an alternative remedy available to the petitioner, invocation of extraordinary remedy under Section 528 BNSS is not warranted.



8. The petition accordingly stands disposed of with liberty to the petitioner to approach the jurisdictional Magistrate, if need arises.

12.11.2025
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(SHALINI SINGH NAGPAL)
JUDGE