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

Sr.No.120

**CRWP-1993-2026
Decided on : 13.03.2026**

Atul Walia

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. I.P.S.Kohli, Advocate (through VC) with
Mr. Harmanjeet Singh Saini, Advocate
for the petitioner.

RUPINDERJIT CHAHAL, J (ORAL)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of direction to register an FIR on the complaint dated 06.07.2024, filed by the petitioner and for fair, impartial and time-bound investigation.

2. Learned counsel for the petitioner *inter alia* contends that the the petitioner was in business terms with respondent No.5 who by luring the petitioner with promises of heavy supplies at cost to cost rates, soon collected full payment of material by giving commission/discount, thereby gained petitioner's trust. Thereafter, the respondent started demanding advance payment by making false assurance of supplying raw material at cost price and trapped the petitioner into paying substantial advances, however, later made excuses for not supplying goods and ultimately cheated



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the petitioner of total advance amount. He contends that despite repeated demands, the accused neither supplied the goods nor returned the advance money. He further contends that the petitioner moved a representation dated 06.07.2024 (Annexure P-2) to respondent No.3-The Commissioner of Police, Ludhiana but till date no action has been taken. It is thus prayed that an appropriate direction be issued to the official respondent(s) to register an FIR and conduct fair, impartial and time-bound investigation.

3. Having heard learned counsel for the petitioner and after perusing the record of the case with his able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

4. 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.”

5. 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.***

6. The High Courts, while exercising its inherent powers 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.

7. 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.(now Section 175(3) of BNSS, 2023).



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8. In view of the facts and circumstances of the case, this Court is not inclined to issue any such direction. Accordingly, the present petition is dismissed being bereft of any merit.

13.03.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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