

2026:PHHC:049604



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-10557-2026**

Palwinder Singh

....Petitioner

versus

State of Punjab and others

....Respondents

Date of Decision: March 30, 2026**Date of Uploading: April 01, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Ms. Rishita, Advocate for
Mr. Gurjant Singh Bhullar, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

The substantive prayer made in the petition in hand reads thus:

“It is, therefore, respectfully prayed that the present petition may kindly be allowed and direction may kindly be issued to respondent No.2 to conduct a fair and impartial enquiry in the present matter by deciding representation/ statement dated 29.11.2025 (Annexure P-2) submitted by the petitioner, because private respondents are harassing and humiliating the petitioner and her family without any rhyme and reason and issuing threats to eliminate the petitioner and his family members.”

2. Succinctly, the complainant – Palwinder Singh, who is a retired official of the Punjab Police, recorded his statement before the police alleging that on 28.11.2025 at about 6:00 PM, while the complainant was present at his flour mill, his minor grandson, Navjeevan Singh (aged about 10–11 years), informed him that two persons, namely Gurnoor son of Jagmohan Singh and Jota son of Harpal Singh, had been obstructing his way on a daily basis and threatening him while he returned home. Upon

confronting the said persons, an altercation ensued. It is alleged that Gurnoor called his father Jagmohan Singh, who, along with Yadvinder Singh @ Yadi, arrived at the spot and started threatening the complainant. In the meantime, on the instigation of Jagmohan Singh's wife, Gurnoor allegedly attacked the complainant on the head with a sharp-edged weapon. Thereafter, Yadvinder Singh allegedly pushed the complainant to the ground and assaulted him, while Jagmohan Singh also inflicted beatings with fists and kicks, causing injuries to the complainant, who subsequently became unconscious. The complainant was later rescued by a passerby and taken home by his younger brother, Davinder Singh. It is further alleged that when the complainant attempted to proceed to the hospital, the accused persons again obstructed his way while being armed with weapons, due to which immediate medical treatment could not be obtained. The complainant ultimately received treatment the following day in the hospital at Tarsikka. It is further alleged that the accused persons have been repeatedly harassing and threatening the complainant, obstructing the passage leading to his house, and thereby posing a threat to his life and property. On these allegations, the complainant approached the police seeking appropriate legal action.

3. Learned counsel has argued that the petitioner is a senior citizen aged 72 years and retired from police Department. Learned counsel has further argued that aforesaid statement of the petitioner, recorded before the Police, clearly brings out the factum of cognizable offence(s) having been committed and, hence, the police ought to have registered an FIR, but the same has not yet been done. Learned counsel has asserted that conduct of the local police officials is not only saddening but the same also warrants

attention of this Court, since the private-respondents inflicted injuries to the petitioner and there exist constant threat to the petitioner and his family. Learned counsel has further asserted that the petitioner had also submitted representations to the Station House Officer, Police Station Mattewal, DSP Amritsar, Senior Superintendent of Police, DIG Boarder, Amritsar, but the same remain unaddressed till date.

4. Learned counsel also argued that, thus, the petitioner has been constrained to file the instant petition seeking the prayer(s) as indicated hereinabove.

5. I have heard learned counsel for the petitioner and have perused the paper-book.

6. It would be apposite to refer herein to a judgment of this Court passed in CRM-M-11075-2024 titled as **Talima vs. State of Haryana and others**, decided on 12.03.2024; relevant whereof reads as under:

“10. As a result of above discussion, the following postulates emerge:

I) Ordinarily, an applicant/complainant ought to approach, in the first instance, the Court of Illaga/Jurisdictional Magistrate to seek prayers) for issuance of directions) for registration of FIR, monitoring of investigation in FIR as also other prayers of akin nature.

II) An Illaga/Jurisdictional Magistrate has, by virtue of section 156(3) of Cr.P.C. of 1973, the requisite powers and jurisdiction to grant plea(s) for issuance of direction(s) for registration of FIR, monitoring of investigation in an FIR, change of investigating officer and prayers) of alike nature.

III) In a given case, if the facts/circumstances of such case so warrant, the High Court is well within its jurisdiction to entertain and consider pleas seeking registration of FIR, monitoring of investigation in a FIR, constituting an SIT (Special Investigating Team), change of investigating officer & all such prayers) of such kind and nature. However, it would be prudent that an applicant/complainant, while seeking to invoke the jurisdiction of the High Court under Section 482 of Cr.P.C. in the first instance seeking prayers) of above nature, shows sufficient cause for not having approached the Illaga/Jurisdictional Magistrate in the first instance.

IV) The High Court, in its inherent jurisdiction under Section 482 of Cr.P.C has unbridled, unfettered and plenary powers. The only restriction on exercise of such powers is self-restraint. No inflexible and comprehensive guidelines can conceivably be enumerated governing the exercise of these intrinsic powers by High Court under Section 482 of Cr.P.C. There is no gainsaying that the nature, mode and extent of such exercise of powers by High Court under Section 482 of Cr.P.C shall

depend upon the judicial discretion exercised by the High Court in the facts and circumstances of a given case.”

7. The prime prayer made in the petition is for issuance of directions to the respondent No.2 to conduct a fair and impartial enquiry in the present matter by deciding representation/ statement dated 29.11.2025 (Annexure P-2). The petitioner (*herein*) who claims that the private respondents have committed offence of assaulting and giving injuries to the petitioner, has chosen to invoke the inherent jurisdiction of this Court under Section 528 of the BNSS, 2023 (Section 482 of Cr. P.C.) without even referring to, much less disclosing any impediment being faced by him in approaching the concerned Illaqa/Jurisdictional Magistrate by invoking Section 156(3) of Cr. P.C., 1973 (Section 175(3) of the BNSS). Section 156 (3) *ibid*, empowers a Magistrate to direct for registration of FIR as also monitor the Investigation thereof. In this regard, reference may be made to judgment of the Hon'ble Supreme Court in “**Sakiri Vasu versus State of UP and others, 2008 (2) SCC 409**”.

8. In the considered opinion of this Court, the petitioner ought to have approached the concerned Illaqa/Jurisdictional Magistrate in the first instance who is well empowered to grant the substantial relief(s) sought for in the present petition. No such accentuating facts/circumstances have been brought forward by the petitioner which may warrant interference by this Court under Section 528 of the BNSS (Section 482 of Cr. P.C.).

9. Accordingly this Court does not find the present case a fit one for exercise of its jurisdiction under Section 528 of the BNSS (Section 482 of Cr. P.C.). The instant petition filed under Section 528 of the BNSS (Section 482 of Cr. P.C.) stands **dismissed**.

10. Needless to state herein that the petitioner, if so advised, will be at liberty to file an appropriate petition under Section 156(3) of Cr. P.C., 1973 (Section 175(3) of the BNSS, 2023) for redressal of his grievance(s), in accordance with law.
11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 30, 2026
mahavir

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