



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.135

CRM-M-14591-2026
Decided on : 17.03.2026

Surkeet

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Parvesh Jaglan, Advocate for the petitioner.

RUPINDERJIT CHAHAL, J (ORAL)

1. The present petition has been filed under Section 528 BNSS, 2023 for issuance of directions to official respondents No.2 and 3 to conduct a fair, impartial, transparent and time bound investigation in DDR No.0026 dated 27.03.2025, registered at Police Station Civil Line, Jind and further to register an FIR against the official of respondent No.4.

2. Learned counsel for the petitioner *inter alia* contends that the medical record including the death certificate, post mortem report and treatment documents clearly indicates that the death of the father of the petitioner occurred due to the complications arising after the negligent surgical procedure conducted by the doctor of Metro Hospital-respondent No.4. He further contends that despite registration of DDR, the respondent-State failed to take effective steps to investigate the matter. Learned counsel contends that the petitioner moved a representation dated 03.02.2026 (Annexure P-5) to respondent No.2-The Superintendent of Police, Jind but till date no action has been taken. It is thus prayed that an appropriate direction be issued to the official respondent(s) to conduct a fair, impartial, transparent and time-bound investigation in the aforesaid DDR and register an FIR against the official of respondent No.4.



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 Dhang 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 under Section 528 BNSS (Section 482 of erstwhile 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 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 able to provide a satisfactory response regarding approaching this Court directly instead of the concerned jurisdictional Court by filing an appropriate application under Section Section 175(3) of BNSS, 2023 (Section 156(3) Cr.P.C.).

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.

17.03.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No