

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

CRM-M-20403-2025

Date of decision: 07.04.2026

ROSHANI AND ANR.

....Petitioners

Versus

STATE OF HARYANA AND ORS.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Neeraj Saini, Advocate for the petitioners.

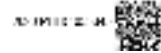
Mr. Gagandeep Singh Chhina, Sr. DAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for issuance of directions to respondents No.2 to 4 to take action against private respondents No.5 to 8 by registering an FIR and to arrest them and conduct the investigation not below the rank of Superintendent of Police.

2. Learned counsel for the petitioners inter alia contends that the deceased namely Parveen who happens to be the brother of the complainant was victimized at the hands of respondents No.5 to 8. He submits that the deceased had caught his wife Pooja-respondent No.5 red handed multiple times with some other person in obscene situation and due this issue, there were frequent quarrels between the deceased and his wife and their family members. He contends that the deceased was brutally murdered by the accused persons and in this regard several complaints dated 09.04.2024, 16.04.2024 and 13.05.2024 were made to the police authorities. He submits that despite several representations the investigation in the case is not



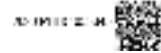
thus prayed to issue an appropriate direction to the official respondents to fairly investigate the matter and register an FIR against respondents No.5 to 8.

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 under Section 482 Cr.P.C. (now under Section 528 of B.N.S.S., 2023), 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 156(3) Cr.P.C.(now Section 175(3) of BNSS, 2023).

8. 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.

07.04.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No