

2026.PHHC.055770



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

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CRM-M-19466-2026 (O&M)

Date of decision: 09.04.2026

Anjna Kumari**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Nitin Thatai, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 seeking issuance of direction to respondent No. 2 to conduct thorough inquiry on the complaint dated 01.08.2025 (Annexure P-5) submitted by the petitioner and to take appropriate legal action against respondents No. 3 to 5.

2. Learned counsel for the petitioner has submitted that she has moved aforementioned complaint before respondent No. 2 against respondents No. 3 to 5 with the allegations that they along with other co-accused had duped her of Rs.45 Lakhs on the pretext of selling a property to her but no action has been taken thereon. The allegations make out cognizable offences against the private respondents but no FIR has been registered against them. Even the complaint filed by the petitioner has been consigned. Hence, it is urged that appropriate direction be issued to respondent No. 2 to

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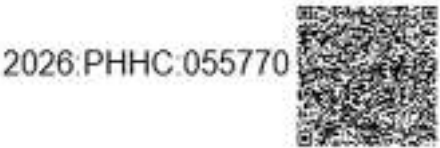


conduct proper inquiry on her representation and register an FIR against the accused persons.

3. Learned State counsel, who has advance notice of the petition, has submitted that due inquiry on the complaint of the petitioner was conducted and the same was filed on finding that the dispute was of civil nature. Hence, it is urged that the petition is liable to be dismissed.

4. This Court has heard the rival submissions.

5. Admittedly, the complaint moved by the petitioner against respondents No. 3 to 5 has been filed by the police. In such a situation, the prayer of the petitioner for registering an FIR against the private respondents cannot be entertained as the remedy for a person having grievance that his/her FIR has not been registered by the police or the same having been registered, proper investigation is not being done, is not to approach the High Court but to go to the Magistrate concerned under Section 175(3) of BNSS. Reference in this regard can be made to *Sakiri Vasu v. State of U.P., (2008) 2 SCC 409*. Reliance can further be placed upon *Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and others, (2016) 6 SCC 277*, wherein it was observed by Hon'ble Supreme Court that if proper investigation is not being done by the police then the remedy for the aggrieved person is not to go to High Court but to approach the Magistrate concerned under Section 156 (3) of Cr.P.C. (*which is pari materia with Section 175(3) of BNSS*) as it is the Magistrate who can give direction for registration of FIR and even to conduct proper investigation to be done.



6. In view of the above position, the present petition is devoid of any merit and the same is hereby dismissed, without having any prejudice to the right of the petitioner.

09.04.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No