

2026:PHHC:071615



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120

CRM-M-25553-2026

Date of decision: 7th May, 2026

Jayprakash Pandey

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rupender Singh Ghangas, Advocate for the petitioner.
Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking issuance of directions to respondent No.2 for registration of FIR under Section 101 BNS, 2023 and for conducting a fair and proper investigation regarding the death of petitioner's brother namely Krishan Chand Pandey.

2. Learned counsel for the petitioner submits that the younger brother of the petitioner was allegedly lured away from his native village by accused persons on the pretext of employment and thereafter was wrongfully confined near Ambala Cantt Railway Station. It has further been alleged that the deceased had informed his family members telephonically regarding threats to his life. Subsequently, the dead body of the deceased was found on the railway track near Ambala Cantt Railway Station. Despite submission of representation dated 02.03.2026 to respondent No.3, no FIR has been registered till date. Hence, it is urged that petition deserves to be allowed and

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an appropriate direction is required to be issued to the official respondent for taking legal action against the accused persons by registering an FIR under the relevant penal provisions.

3. This Court has heard the rival submissions made by learned counsel for the petitioner at considerable length.

4. At the outset, it is apparent that the petitioner is primarily seeking a direction for registration of FIR and for conducting proper investigation in respect of the alleged incident. As per the petitioner, despite moving a complaint disclosing cognizable offences against the accused persons, the police have neither taken any action nor has registered the FIR under appropriate penal provisions. However, it is well settled that such prayer, at first instance, cannot be entertained by this Court by exercising inherent power under Section 528 of BNSS as the remedy available for a person, who alleges commission of a cognizable offence by someone and his/her FIR not being registered by the police, is not to approach the High Court but the jurisdictional Magistrate by filing an application under Section 175(3) BNSS (which corresponds to Section 156(3) of Cr.P.C.). Reference in this regard can be made to ***Sakiri Vasu v. State of U.P., (2008) 2 SCC 409***, wherein it was held by Hon'ble Supreme Court that if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being conducted, then the remedy for the aggrieved person is not approach the High Court but to approach the jurisdictional Magistrate under Section 156(3) of Cr.P.C. Reliance can also be placed upon a recent pronouncement of Hon'ble Supreme Court in ***Sujal Vishwas Attavar and***

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another v. The State of Maharashtra and others, 2026 INSC 442, wherein while reiterating the observations made in *Sakiri Vasu*’s case (supra), it has been held that the High Court is not bound to entertain a petition merely because a case of alleged inaction or negligence is made out against a statutory authority. It has been further observed that ordinarily, where a statute provides a complete and efficacious remedy, the same must be exhausted before invoking constitutional jurisdiction.

5. In the present case also, the petitioner has straightaway approached this Court, without making any application under Section 175(3) of BNSS before the jurisdictional Magistrate. Hence, keeping in view the aforesaid facts and circumstances, the present petition is disposed of with liberty to the petitioner to avail appropriate remedy before the competent authority/Court in accordance with law.

[MANISHA BATRA]
JUDGE

7th May, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |