

2026.PHHC.072806



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

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CRM-M-26177-2026 (O&M)

Date of decision: 11.05.2026

Vikash Rawal**...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Yogesh Saini, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

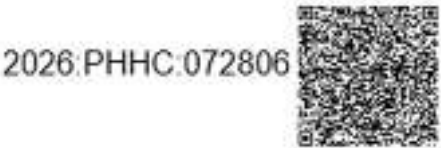
MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 seeking issuance of direction to respondent No. 2 to take appropriate legal action against the accused persons by registering an FIR against them in terms of his complaint dated 13.08.2025.
2. A perusal of the record reveals that it is the stand of the petitioner that accused persons, in connivance with revenue officials of Tehsil Bapoli, got his agricultural land fraudulently registered in favour of one Maya Devi without permission of the competent Court. The enquiry conducted by the Deputy Commissioner found that the sale deed had been executed illegally and without any proof of majority of Rinku being placed on record. The petitioner further alleges that despite repeated complaints, no action has been taken by the authorities and he is being threatened by the accused persons.

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3. At the outset, it is apparent that the petitioner is primarily seeking a direction for registration of an FIR against the alleged accused persons as despite moving several complaints disclosing cognizable offences, the police has 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 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.

4. 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.

11.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>