
(2012) 02 P&H CK 0174
In the Punjab And Haryana At Chandigarh
Case No : Crl.Misc.No.M-2272 of 2012 (O&M)

Amandeep Kaur

APPELLANT

Vs

State of Punjab & Ors.

RESPONDENT

Date of Decision : 01-02-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156, 482

Citation : (2012) 1 Law Herald 433 : (2012) 2 RCR(Criminal) 409

Hon'ble Judges : Rakesh Kumar Garg, J

Advocate : Mr.Navkiran Singh, Advocate., Advocates for appearing Parties

Judgement

Mr. Rakesh Kumar Garg, J. (Oral)

1. Petitioner is seeking suitable directions to the respondents to ensure free, fair and speedy investigation in the FIR No.64 dated 14.08.2010, FIR No.74 dated 11.09.2010 and FIR No.07 dated 11.01.2012, registered at P.S. Division No.3, Ludhiana City.

2. On her complaints alleging therein, in spite of the fact that the petitioner has approached the respondents authorities, nothing has been done to redress their grievances and no investigation has taken place.

3. The Hon'ble Supreme Court of India in the case of Sakiri Vasu vs. State of Uttar Pradesh and another [2007(5) Law Herald (SC) 3910] : (2008) 2 SCC 409 observed as under:

¶15 Section 156(3) provides for a check by the Magistrate on the police performing its duties under Chapter XII Cr.P.C. In cases where the Magistrate finds that the police has not done its duty of investigating the case at all, or has not done it satisfactorily, he can issue a direction to the police to do the investigation properly, and can monitor the same.?

¶26 If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section

154(3) Cr.P.C or other police referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the other officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover, he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies??

?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 CrPC 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 police officers concerned, and if that is of no avail, under Section 156(3) CrPC before the Magistrate or by filing a criminal complaint under Section 200 CrPC and not by filing a writ petition or a petition under Section 482 CrPC.?

4. In view of the aforesaid observations of the Hon''ble Supreme Court, this petition is dismissed with liberty to the petitioner to approach the competent Court under the provisions of Cr.P.C for redressal of her grievances, if any.

5. With the aforesaid liberty, this petition is ordered to be dismissed.