

(2011) 03 P&H CK 0748

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M. 8063 of 2011 (O and M)

Shangara Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: March 16, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 154(3), 156(3), 200, 36, 482

Hon'ble Judges: Ritu Bahri, J

Bench: Single Bench

Judgement

Ritu Bahri, J.

Counsel for the Petitioner, after arguing for some time, prays that the present petition be disposed of with liberty to approach the authorities under Sections 156(3) and 200 of the Code of Criminal Procedure as per decision of the Supreme Court in Sakiri Vasu v. State of U.P and Ors. 2008 (1) RCR 392 wherein the observations of the Supreme Court are as under:

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 u/s 482 Code of Criminal Procedure 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, u/s 156(3) Code of Criminal Procedure before the Magistrate or by filing a criminal complaint u/s 200 Code of Criminal Procedure and not by filing a writ petition or a petition u/s 482 Code of Criminal Procedure.

2. Disposed of as such.