



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-29841 of 2025(O&M)

Date of Order:23.09.2025

**Simranpreet Kaur and another** .Petitioners

Versus

**State of Punjab and others** ..Respondents

**CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

**Present: Mr. Harpreet Singh Rakhra, Advocate  
Ms. Gurvinder Kaur, Advocate, for the petitioners.**

**Mr. Kunwarbir Singh, AAG Punjab.**

**SHALINI SINGH NAGPAL, JUDGE**

1. The petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, seeks the following reliefs:-

- (i) Direction to official respondents to conduct fair, complete and expeditious investigation in FIR No.57, dated 26.04.2025, under Sections 74, 115(2), 126(2), 79, 352, 351(3), 324(4), 190 of Bhartiya Nyaya Sanhita (BNS), 2023, Police Station City Khanna, District Khanna.
- (ii) Directions to official respondents no.2 to 4 to take remedial action on representation dated 15.05.2025 (Annexure P-4).

2. The first petition seeking similar relief was dismissed as withdrawn vide order of this court dated 16.05.2025.

3. Learned counsel for the petitioners submits that on 25.04.2025, after completing official work at Ludhiana Court, petitioner no.1 was picked up by petitioner no.2, at Khanna Bus Stand, near Civil Court, Khanna. At that time, petitioner no.5 was standing outside the Court and started abusing petitioner no.1. When petitioner no.2 objected, a scuffle resulted and respondent no.5 assaulted him. Petitioner no.1, thereafter intervened and took petitioner no.2 to Chamber No.68. Soon thereafter, respondents no.5



to 11 along with a bouncer, collected outside and started extending threats. They forcefully entered the chamber, damaged the property and physically assaulted petitioner no.1, tearing her clothes and targeting her dignity. Petitioner no.1 suffered multiple injuries and was medico legally examined. In this connection, FIR NO.57, dated 26.04.2025, was registered but police was not conducting investigation in fair and proper manner despite written representation dated 15.05.2025.

4. Notice of motion to official respondents no.1 to 4 only.
5. On advance notice, Mr. Kunwarbir Singh, AAG, Punjab, has appeared on behalf of the State and submitted that investigation was being carried out fairly and was proceeding in the right direction.
6. Petitioners and respondents no.5 to 11 are all practicing advocates at Civil Court, Khanna. With regard to the alleged incident dated 25.04.2025, the police has promptly registered FIR No.57, dated 26.04.2025, under Sections 74, 115(2), 126(2), 79, 352, 351(3), 324(4), 190 of Bhartiya Nyaya Sanhita (BNS), 2023, Police Station City Khanna, District Khanna. From the averments in the petition and the arguments addressed, the court has no reason to believe that the police is not investigating the case in fair and proper manner or that the investigation is biased. The court is sanguine that the investigation would be conducted fairly.
7. In **Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and others, (2016) 6 SCC 277**, Hon'ble Supreme Court observed as under:-

*“2. This Court has held in Sakiri Vasu v. State of U.P., 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 done, then the remedy of*



*the aggrieved person is not to go to the High Court under Article 226 of the Constitution of India, but to approach the Magistrate concerned under Section 156(3) Cr.P.C. If such an application under Section 156(3) Cr.P.C is made and the Magistrate is, prima facie, satisfied, he can direct the FIR to be registered, or if it has already been registered, he can direct proper investigation to be done which includes in his discretion, if he deems it necessary, recommending change of the investigating officer, so that a proper investigation is done in the matter. We have said this in Sakiri Vasu case because what we have found in this country is that the High Courts have been flooded with writ petitions praying for registration of the first information report or praying for a proper investigation.*

*3. We are of the opinion that if the High Courts entertain such writ petitions, then they will be flooded with such writ petitions and will not be able to do any other work except dealing with such writ petitions. Hence, we have held that the complainant must avail of his alternate remedy to approach the Magistrate concerned under Section 156(3) CrPC and if he does so, the Magistrate will ensure, if prima facie he is satisfied, registration of the first information report and also ensure a proper investigation in the matter, and he can also monitor the investigation.”*

8. Since, there is an alternative remedy available to the petitioner, invocation of inherent powers under Section 528 Bhartiya Nagarik Suraksha Sanhita, 2023 is not warranted. Petitioners are at liberty to approach the jurisdictional Magistrate, for the relief sought in this petition, if so desired.

9. Petition stands dismissed.



10. All the miscellaneous applications, if any, are stand disposed of.
11. Nothing observed hereinabove shall be construed as expression of opinion on merits of the case.
12. All the pending miscellaneous applications, if any, are also disposed of.

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

**23<sup>rd</sup> September, 2025**  
**nt**

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**