



RA-CW-332-2025 in CWP-PIL-98-2025

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**RA-CW-332-2025 in
CWP-PIL-98-2025
Date of decision: 26.08.2025**

NIKHIL SARAF

....Petitioner.

Versus

UNION OF INDIA AND OTHERS

....Respondents.

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY, JUDGE**

Present:- Petitioner in person.

Mr. Maninderjit Singh Bedi, Advocate General, Punjab,
with Mr. Vipin Pal Yadav, Addl. AG, Punjab and
Mr. Salil Sabhlok, Senior DAG, Punjab.

Mr. Satya Pal Jain, Assistant Solicitor General of India
with Mr. Dheeraj Jain, Senior Panel Counsel (through VC)
and Mr. Sahil Garg, Advocate, for UOI.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

Applicant/petitioner has filed this review petition against the final order dated 17.07.2025 passed by this Court in CWP-PIL-98-2025 '*Nikhil Saraf vs. Union of India and others*'.

2. Applicant/petitioner-in person in review petition (RA-CW-332-2025) contends that the order under review is passed against the law laid down by the Apex Court in **(2018) 16 SCC 341**, *Rozer Mathew vs. South Indian Bank Limited* (dated 13.11.2019) and **2006(3) SCC (Cri) 417**, *Prakash Singh and others vs. UOI*.



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3. Applicant-petitioner has also relied upon the provisions of Section 54-D of Punjab Police Act 2007 (for short, 'the Act)', which was incorporated in 2014. Section 54-D of the Act reads as under: -

*'54-D **Functions of State Police Complaints Authority**- The State Police Complaints Authority shall inquire into allegations of 'serious misconduct' against police officers of the rank of Senior Superintendents of Police/Deputy Commissioner of Police and above, by taking cognizance on receipt of a complaint from a victim or any person duly authorized on his behalf through a self attested declaration.'*

3. While filing CWP-PIL-98-2025, the applicant-petitioner has contended that the State Police Complaints Authority had dismissed his complaint on the ground that it is not covered under Section 54-D of the said Act.

4. A bare perusal of Section 54-D of the Act reveals that the function of inquiring into the allegations of serious misconduct against police officers is to be taken cognizance of by State Police Complaints Authority on receipt of a complaint from a victim or any person duly authorized on behalf of the victim.

5. In CWP-PIL-98-2025 and the instant review petition (RA-CW-332-2025), applicant/petitioner is a stranger, who, by complaint dated 08.04.2025 (Annexure P-15) had alleged commission of cognizable offence against serving members of the police force of State of Punjab. Petitioner does not fall in category of victim or person authorized on behalf of the victim.



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6. This Court, therefore, after hearing the applicant/petitioner-in person relegated the applicant/petitioner to avail the remedies under Section 156(3) read with Section 190 and 200 of the Criminal Procedure Code (Sections 175 and 223 of Bharatiya Nagarik Suraksha Sanhita, 2023).

7. It is noticeable that CWP-PIL-98-2025 did not assail the legality and validity of Section 54-D of the Act and, therefore, the said point, which was not raised in the said petition, cannot be gone into in review petition.

8. So far as the case of *Rozer Mathew (supra)* is concerned, the said decision of the Apex Court was based upon the principle that as and when the Tribunals are constituted and Members of the Tribunals are appointed then it needs to be ensured that Screening Committee selecting the Members/Chairman of the Tribunals are comprised of such number which reflects primacy of judiciary.

9. More so, the Apex Court in **2008(2) SCC 409**, '*Sakiri Vasu vs. State of Uttar Pradesh and others*' has, *inter alia*, held 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 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



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complaint under Section 200 CrPC and not by filing a writ petition or a petition under Section 482 CrPC.

28. *It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere.'*

10. In view of above, it does not appear that any palpable error has occurred in passing the order dated 17.07.2025 passed by this Court in CWP-PIL-98-2025 (*supra*) and therefore the present review petition (RA-CW-332-2025) stands dismissed.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

26.08.2025

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| i) | <i>Whether speaking/reasoned?</i> | <i>Yes/No</i> |
| ii) | <i>Whether reportable?</i> | <i>Yes/No</i> |