



118            **IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-26185-2025**

**Date of decision: 14.05.2025**

**BRIJ BALA SRIVASTAVA AND ANOTHER**

**...PETITIONERS**

**V/S**

**STATE OF HARYANA AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present:     Ms. Parbeen Kumari, Advocate for  
                 Ms. Gunjan Mehta, Advocate for the petitioners.  
                 Ms. Geeta Sharma, DAG, Haryana.

**\*\*\*\***

**HARPREET SINGH BRAR, J. (ORAL)**

1.            Present petition has been filed under Section 528 of BNSS, 2023 for issuance of directions to respondent Nos.1 to 3 to lodge an FIR against the private respondents i.e. respondent Nos.4 to 6 and to investigate the complaint dated 02.04.2025 (Annexure P-5).
2.            Learned counsel for the petitioners, *inter alia*, contends that petitioner No.1 has purchased a residential apartment No.1104 at 11<sup>th</sup> Floor situated in Tower C, Kanishka Towers at Sector 34, Faridabad, Haryana through an auction dated 14.10.2024 and got the possession of the same on 29.10.2024. However, when the petitioners visited their property for inspection and minor repair work, the president of Resident Welfare Association handed over a large list of dues pending towards the property and the petitioners were restrained from visiting their property. In this regard, a complaint dated 02.04.2025 (Annexure P-2) was moved to Commissioner of Police, Faridabad, however, no substantial action has been taken by the concerned police officials. It is thus prayed to issue directions to respondent



No.2 to inquire into the representation dated 02.04.2025 (Annexures P-2) as per law.

3. Having heard learned counsel for the petitioners and after perusing the record of the case with her able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

4. A two Judge Bench of the Hon'ble Supreme Court in ***Sakiri Vasu Vs. State of U.P. and others, (2008) 2 SCC 409*** has held that the Magistrate has been bestowed with all necessary powers to ensure proper investigation under Section 156(3) Cr.P.C. Discouraging the practice of approaching the High Court for redressal of grievances like non-registration of FIR or improper investigation, Justice Markandey Katju made the following observations:

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

*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.”*

5. This ratio was reiterated in the judgments rendered by the Hon’ble Supreme Court in *Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhange and others, (2016) 6 SCC 277* and *M. Subramaniam and another Vs. S. Janaki and another, (2020) 16 SCC 728*.

6. The High Courts, while exercising its inherent powers under Section 482 Cr.P.C. (*now Section 528 BNSS, 2023*) can issue directions for prompt and proper investigation, however, it would be out of bounds to instruct the investigation to be completed in a certain time frame, in alignment with the opinion expressed by it. The Courts must be conscious of its influence and not exercise the same in an unwarranted fashion as it may prejudice the conclusion of the investigating agency, straying further away from achieving the overarching goal of justice.

7. Further, even though the jurisdictional Magistrate is well equipped to deal with such type of matters, learned counsel for the petitioners has not able to provide a satisfactory response regarding approaching this Court directly instead of the concerned jurisdictional Court by filing an appropriate application under Section 156(3) Cr.P.C.

8. In view of the facts and circumstances of the case, this Court is not inclined to issue any such direction. Accordingly, present petition is dismissed being bereft of any merit with liberty to the petitioners to avail alternative remedies as available to them in accordance with law.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**May 14, 2025**

*manisha*

- (i) Whether speaking/reasoned  
(ii) Whether reportable

Yes/No  
Yes/No