



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

**CRM-M-48015-2025
Date of decision: 29.08.2025**

SHYAM MAHTO @ SHAM

....Petitioner

Versus

STATE OF PUNJAB AND ORS.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Beant Singh Seemar, Advocate
for the petitioner.

.....
RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C for issuance of directions to respondent No.3 to register an FIR against respondents No.4 to 8 as per complaint dated 13.03.2025 (Annexure P-7).

2. Learned counsel for the petitioner inter alia contends that the petitioner and his sons were victimized at the hands of respondents No.4 to 8. He contends that the petitioner belongs to a Hindu community and is a Driver by profession and the area of alleged occurrence is a Muslim dominant area. He submits that on 12.05.2025 at around 3:00/3:15 P.M. when the petitioner and his two sons were carrying waste of cardboard in a carrier vehicle make TATA-407, the brother of one Mohammad along with his companion were standing alongside the motorcycle in the middle of the road and inspite of several requests he did not remove his motorcycle and became furious and called his companions who after getting the petitioner and his sons removed from the vehicle TATA-407 gave serious beatings to them. Due to this incident, thumb of left hand of son of the petitioner namely Ranjeet got



fractured. It is thus prayed to issue an appropriate direction to the official respondents to fairly investigate the matter and register an FIR against respondents No.4 to 8

3. Having heard learned counsel for the petitioner and after perusing the record of the case with his 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, M. Subramaniam and another Vs. S. Janaki and another, (2020) 16 SCC 728, Dilawar Singh vs. State of Delhi 2007(4) R.C.R(Criminal) 115.**

6. The High Courts, while exercising its inherent powers under Section 482 Cr.P.C. (now under Section 528 of B.N.S.S.), 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 petitioner 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.

29.08.2025
puneet

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No