



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-53905 of 2025(O&M)  
Date of Order: 24.09.2025

Mamta Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Shahid Anwer Chaudhary, Advocate  
for the petitioner.

Mr. Hardeep Singh Wadhwa, DAG, 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 no.3 and 4 to take appropriate action on representations dated 11.07.2025 and 10.09.2025;
- (ii) Direction to respondents no.2 to 4 to take appropriate action against respondent no.7 and constitute Special Investigation Team to conduct fair and proper investigation on said representations.

2. Learned counsel for the petitioner submits that on 22.06.2025, petitioner's daughter committed suicide by hanging as she was in relationship with respondent no.7, who made sexual relations with her on the



promise to marry but later refused to marry her. He further submits that the matter was reported to respondent no.6, who obtained his signatures on some documents which were in Punjabi language and later, petitioner learnt that his signatures were obtained on a document which read that no action was required to be taken. It has been prayed that appropriate directions be issued to respondents no.3 and 4 to take action on his representations dated 11.07.2025 and 10.09.2025 praying for registration of FIR.

3. Notice of motion to the official respondents.

4. On advance notice of the petition, learned State counsel has put in appearance on behalf of respondents no.1 to 6 and on instructions from Inspector Gurinder Singh, states that both representations of the petitioner had been considered and consigned. Further proceedings under Section 174 Cr.P.C. (194 BNSS) had also been conducted. He opposes the prayer on the ground that inherent powers of Court under Section 528 Bhartiya Nagarik Suraksha Sanhita, 2023 were not to be invoked for registration of FIR, monitoring investigation or issuing directions as sought.

5. Prayer in representations Annexures P-3 and P-4 is for registration of FIR against respondent no.7 and for proper investigation of the matter.

6. In **Sakiri Vasu vs. State of U.P. and others, (2008) 2 SCC 409,**

Hon'ble Supreme Court observed as under:-

*“11. In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under [Section 154 Cr.P.C.](#), then he can approach the Superintendent of Police under [Section 154\(3\) Cr.P.C.](#) by an application in writing. Even if that does not yield any satisfactory result in the sense that*



*either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under [Section 156 \(3\) Cr.P.C.](#) before the learned Magistrate concerned. If such an application under [Section 156 \(3\)](#) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation.*

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. Section 156(3) Cr.P.C. (now Section 175(3) BNSS), is wide enough and empowers a Magistrate to pass orders for registration of FIR or for monitoring investigation and take such steps as may be necessary for ensuring proper investigation.

9. 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.

10. Petition stands disposed of.

11. All the miscellaneous applications, if any, are stand disposed of.

24.09.2025

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(SHALINI SINGH NAGPAL)  
JUDGE

**Whether speaking/reasoned**  
**Whether reportable**

**:YES/NO**  
**:YES/NO**