CNR No: PHHC011299242026
2026:PHHC:124406

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(124) **CRM-M-44015-2026(O&M)**
Date of Decision: 03.09.2026

Sumit Garg .... Petitioner

Versus

State of Punjab and Others .... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present : Mr.Ashish Nagar, Advocate with
Ms.Vibha Nagar, Advocate
for the petitioner.

Mr. J.S.Rattu, DAG, Punjab.

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VIRINDER AGGARWAL, J. (Oral)

1. The petitioner has approached this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking appropriate directions to the respondent-police authorities for registration of an FIR and for taking effective steps to trace his brother, Dishav Garg, who has been missing since 14.09.2023.

2. The brief facts of the case are that on 14.09.2023 at about 6:30 a.m., Dishav Garg left his residence without informing his family members. He did not return thereafter. The petitioner and his family members made efforts to trace him and contacted their relatives, but without success. On the same day, a person known to the petitioner, who was working with Dishav Garg, informed him that Dishav Garg had handed over his Activa scooter to him with instructions to deliver the same to his family. The said scooter was subsequently brought to the family.

3. The petitioner thereafter approached the police authorities seeking registration of a case and investigation into the disappearance of his brother. However, despite repeated representations, no FIR was registered and no

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effective investigation was undertaken. The petitioner submitted representation bearing No. 254752 dated 09.11.2023 before the Commissioner of Police, Ludhiana, which was marked to Police Station Haibowal Kalan. The petitioner asserts that the police officials at Police Station Haibowal Kalan declined to take action on the ground that the matter did not fall within their territorial jurisdiction. Thereafter, another representation dated 29.01.2024 was submitted before the Commissioner of Police, Ludhiana, which was marked to Police Station Dehlon, but no effective action was taken there either.

4. Having failed to secure appropriate action from the police authorities, the petitioner approached the learned Judicial Magistrate 1st Class, Ludhiana, by way of an application under Section 156(3) of the Code of Criminal Procedure, 1973, seeking directions for registration of an FIR and investigation. The said application came to be dismissed vide order dated 30.05.2026, essentially on the basis of the police status report. The learned Magistrate noticed that an inquiry had already been conducted by the police and, on the basis thereof, observed that the missing person was last seen within the territorial limits of Police Station Dehlon and consequently relegated the petitioner to the remedy of filing a private complaint.

5. This Court finds that the approach adopted in the matter requires reconsideration. The petitioner has been pursuing the matter since September, 2023, whereas the issue of territorial jurisdiction has resulted in the matter being referred from one police station to another. In a matter concerning a missing person, such delay can seriously prejudice the possibility of tracing the person and collecting relevant evidence.

6. The Hon'ble Supreme Court in ***G. Ganesh v. State of Tamil Nadu and Others, SLP (Crl.) No.11263 of 2025***, **decided on 22.05.2026**, has issued

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directions concerning the prompt registration of FIRs upon receipt of information regarding a missing person and has emphasized the need for an effective and immediate response of the police machinery in such matters.

7. In the facts of the present case, this Court is of the considered view that the petitioner cannot be left remediless merely because there is uncertainty or a dispute between the police stations regarding territorial jurisdiction. Territorial jurisdiction cannot be permitted to become a reason for non-registration of the FIR. The determination as to the police station competent to investigate the matter can be undertaken thereafter in accordance with law.

8. Consequently, the present petition is disposed of with the following directions:

(i) The Commissioner of Police, Ludhiana, shall ensure that, forthwith, an FIR is registered on the complaint/information furnished by the petitioner, in accordance with law.

(ii) The FIR shall be registered notwithstanding any uncertainty, doubt or dispute regarding the territorial jurisdiction of the concerned Police Station. The question of territorial jurisdiction shall not be permitted to obstruct or delay registration of the FIR.

(iii) After registration of the FIR, the Commissioner of Police, Ludhiana, shall ensure that the investigation is entrusted to the Police Station/Investigating Officer competent to investigate the matter in accordance with law, and that the investigation is thereafter proceeded with expeditiously.

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(iv) The Commissioner of Police, Ludhiana, shall personally monitor the investigation and ensure that sincere, effective and time-bound efforts are made to trace Dishav Garg, who has remained missing since 14.09.2023.

(v) The Investigating Officer shall explore all relevant leads and material available in the matter and take all steps permissible in law which may assist in tracing the missing person.

(vi) The petitioner shall also join the investigation and extend full cooperation to the Investigating Officer as and when required, and shall furnish all relevant information, documents, photographs and particulars of persons acquainted with Dishav Garg, which may assist the investigating agency in tracing him.

9. It is clarified that this Court has not expressed any opinion on the merits of the allegations. The investigation shall be conducted fairly, impartially and strictly in accordance with law.

10. The petition stands disposed of in the above terms.

11. All pending miscellaneous application(s), if any, stand disposed of accordingly.

(VIRINDER AGGARWAL)
JUDGE

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Whether speaking/reasoned *Yes/No*
Whether Reportable *Yes/No*

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