

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-18621 of 2015 (O&M)
Date of Decision: 29.5.2015

Sarbjeet Kaur

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Varinder Chhibar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C praying for issuance of directions to the official respondents to proceed against (i) Bhag Singh son of Charan Singh (ii) Bhupinder Singh (iii) Joga Singh son of Gian Singh (iv) Gain Singh son of Ram Masra and (v) Jasbir Singh son of Fakira for allegedly having committed a cognizable offence.

Learned counsel for the petitioner in support of the prayer raised in the present petition would place reliance upon the judgment of the Hon'ble Supreme Court of India in ***Lalita Kumari Vs. Government of U.P. and others, 2013(4) RCR(Criminal) 979.***

Identical issue and question as regards, this Court in exercise of jurisdiction under Section 482 Cr.P.C. for intervention in a matter on the failure on the part of the concerned police officer to register an FIR on the allegations that a cognizable offence has been committed, came to be considered by a Co-ordinate bench of this Court in a bunch of petitions filed under Section 482 Cr.P.C. Reference in this regard may be made to the judgment dated 02.12.2013 in Criminal Miscellaneous No. M-22193 of 2013, Jaswinder Kaur Vs. State of Punjab and others and other connected petitions. In Jaswinder Kaur's case (supra), the judgment rendered by the

Hon'ble Supreme Court in ***Lalita Kumari's case (supra)*** was also considered and finally, it was held as follows :-

“In view of the settled position of law laid down in Aleque Padamsee's case (supra) and Sakiri Vasu's case (supra), there is no reason for this Court to issue any such direction as prayed for, in exercise of extra-ordinary jurisdiction under Section 482 of the Code. The petitions are accordingly disposed of with liberty to the petitioners to avail appropriate remedy, in accordance with law.

Before parting with this order, I would like to clarify that nothing stated in this order shall be construed as an expression on the merits of the allegations set up by the petitioners nor the Court has adverted itself to the issue, if the allegations do or do not constitute any cognizable offence having been committed.”

Accordingly, the present petition is disposed of in the light of order dated 02.12.2013 passed by this Court in ***CRM No. M-22193 of 2013 titled as Jaswinder Kaur Vs. State of Punjab and others.***

(TEJINDER SINGH DHINDSA)
JUDGE

May 29, 2015
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