

CRM-M-23286-2015 (O&M)

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

**CRM-M-23286-2015 (O&M).
Decided on: October 16, 2015.**

Ajaib Singh

..... Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Sukhjit Singh, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

An FIR has been registered against the petitioner and others in a case of assault. The petitioner had got a DDR No.26 recorded against the complainant party. The prosecution agency presented challan in the FIR but the challan has not been presented in the cross version.

Through the instant petition under Section 482 Cr.P.C., the petitioner seeks a direction to the official respondents to submit challan under Section 173 (2) Cr.P.C., in the cross-case.

It is settled principle of law that a direction to present challan in a case to the police is not permissible as per the judgment in case **Abhinandan Jha and others Vs. Dinesh Mishra, AIR 1968 (SC) 117**, which has been followed by Hon'ble the Supreme Court and all the High Courts from time to time.

Counsel for the petitioner has submitted that in the

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alternative a direction should be given to the senior police officers to consider the representation Annexure P5, dated 17.7.2014.

I do not find any ground to issue direction in that respect as a thing which cannot be achieved directly cannot be permitted to be achieved indirectly.

The petition is dismissed without prejudice to the rights of the petitioner to avail any other legal remedy available to him in accordance with law.

October 16, 2015.
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(M.M.S. BEDI)
JUDGE