

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 37380 of 2016

Date of decision: 20.10.2016

Joginder Pal

Petitioner

vs.

State of Punjab and ors

Respondent

Present: Mr. Munish Puri, Advocate.

M.M.S.BEDI,J.

The petitioner has filed a private complaint against Hari Singh and others in the court of Judicial Magistrate Ist Class, Pathankot, in which accused have been summoned u/s 323/148/149 IPC. The petitioner claims that he had been beaten twice and that he is being pressurized to compromise the matter. The petitioner has submitted a representation to SSP, Pathankot (Annexure P-4) for protection of his life and property and for arrest of the persons, who had assaulted him.

I have gone through the representation (Annexure P-4) , which appears to be vague and uncertain, without specifying any specific event, on the basis of which it could be concluded that he had actually a threat perception. The circumstances of the case do not warrant exercise of inherent power u/s 482 Cr.P.C.

Counsel for the petitioner has submitted that an FIR has been registered against respondents 4 to 7 at P.S. Taragarh. It will be open to the petitioner to file a detailed representation to SSP Pathankot in case he is aggrieved by any act of impartiality of the investigating agency.

This petition is disposed of as not maintainable without prejudice to right of the petitioner to approach the concerned police

authority with specific averments pertaining to the event, which raise a reasonable apprehension that there is a threat to his life and liberty. In those circumstances, it will always be open to the concerned authority to launch proceedings for preventing breach of peace or to prevent any threat to the life and liberty of the petitioner.

October 20 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No