

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

CWP No. 10740 of 2016 (O&M)

Date of decision: 27.05.2016.

Sabir Hussain

..... Petitioner.

Versus

State of Haryana and others

..... Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE GURMIT RAM**

Present: Mr. Balraj Gujjar, Advocate, for the petitioner.

S.S. SARON, J.

The petition has been filed by the petitioner – Sabir Hussain for issuing a writ in the nature of mandamus directing the State of Haryana; District Food and Supply Controller, Mewat (Nuh); Food and Supply Inspector, Ferozpur Zirka and Food and Supply Inspector, Pinagwa (respondents No. 1 to 4) to conduct prompt inquiry in the scam done by Khurshid Ahmad – respondent No.5 while distributing food grains at the subsidized rate in connivance with the government officials by forging public record and showing double entry in the register. A further prayer has been made for directing the Haryana State Vigilance Bureau – respondent No.7 to register a FIR against the persons who are involved in the present scam including the depot-holders and the government officials. It is further prayed that a direction be issued to respondents No. 1 to 4 to suspend the supply of the food grains through respondent No. 5 during pendency of the petition.

The primary relief that is claimed by the petitioner is for the

registration of a FIR and conduct of an inquiry in respect of forgery alleged to have been committed by respondent No.5 – Khurshid Ahmad, Depot-holder. For the said purpose, the petitioner has his remedy of approaching the in-charge of the police station concerned for registration of a criminal case (FIR) in terms of Section 154 of the Code of Criminal Procedure ('Cr.P.C.' - for short).

In Aleque Padamsee and others versus Union of India and others, (2007) 6 SCC 171 and Sakiri Vasu versus State of U.P. and others, 2008 (1) RCR (Criminal) 392 it has been held that a petition under Section 482 Cr.P.C. or a petition under Article 226/227 of the Constitution of India is not to be lightly entertained for registration of a FIR and the petitioner is to be relegated to avail the remedy by approaching the in-charge of the police station concerned for registration of a criminal case (FIR) or the Magistrate in case there has been inaction by the police.

Learned counsel for the petitioner submits that he may be allowed to withdraw the petition at this stage and approach the police authorities for registration of a criminal case (FIR) in the first instance.

Dismissed as withdrawn.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

27.05.2016
Ramesh