

CWP No.22295 of 2015

[1]

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

**CWP No.22295 of 2015
Date of decision:16.03.2016**

Shekhar Gupta

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Jyoti Parshad Sharma, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for the issuance of a writ in the nature of *mandamus*, directing respondents No.1 to 4 to register the FIR against respondent No.5 for the alleged murder of his son Deepak, whose dead body was recovered on 21.05.2014 at about 12.00 mid night near Durga Mandir in Durga Colony, Phooshgar Road, Karnal. The petitioner had earlier approached this Court for the same purpose by filing CRM-M No.2976 of 2015 under Section 482 of the Cr.P.C., in which the following order was passed:-

“Learned counsel for the petitioner has made a statement before this Court withdrawing the present petition, however, reserving his rights to move an appropriate forum under the provisions of law on similar grounds.

Allowed to do so.

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[2]

The petition stands dismissed as withdrawn with liberty
aforesaid.

The petitioner, instead of resorting to his remedy under the provisions of the Cr.P.C., has again invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India by filing the present writ petition as he has done in the past by invoking the inherent jurisdiction of this Court by filing the petition under Section 482 Cr.P.C.

The purport of the order dated 02.07.2015 passed by this Court was relegating the petitioner to avail his remedy under Section 156(3) of the Cr.P.C. by filing an application before the Illaqa Magistrate for the purpose of registration and investigation of the FIR.

In view thereof, the present writ petition is dismissed as not maintainable. However, the petitioner, if so advised, may file an application under Section 156(3) of the Cr.P.C.

March 16, 2016
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(Rakesh Kumar Jain)
Judge