

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8100 of 2016 (O & M)
Date of decision: 29.04.2016

Sat Pal and another

....Petitioners

Vs.

State of Punjab and others

.....Respondents

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

Present: Mr.S.S.Gill, Advocate for the petitioners.

S.S.SARON,J.

The petition has been filed for issuance of appropriate directions to the Union of India (respondent No.2) to constitute a Committee of Experts to examine the distribution of wheat allocated to Government of Punjab under the National Food Security Act, 2013 ('Act' - for short) from December, 2013 onwards and/or for directing the Central Bureau of Investigation (respondent No.3) to conduct an investigation into the distribution of wheat from December, 2013 onwards in the State of Punjab under the Act and under the various schemes of Punjab Government as a very big scam as detailed in the petition is stated to be going on.

The petitioners have filed this petition in the nature of public interest. However, the credentials of the petitioners and their antecedents are not mentioned. Rule 7 of the

Maintainability of the Public Interest Litigation Rules, 2010 entitle the Registry of this Court to verify the antecedents of a person, society or an association, who invoke the jurisdiction of the High Court on the cause of public interest. The petitioners have not mentioned any public interest that they may have been done and neither are their antecedents mentioned.

In the State of Uttranchal v. Balwant Singh Chaufal and others, (2010) 3 SCC 402, the Hon'ble Supreme Court has inter alia issued directions to preserve the sanctity of public interest litigation. Serial No.3 of the directions that were issued is to the effect that the Court should prima facie verify the credentials of the petitioners before entertaining the public interest litigation.

As already noticed, no credentials or antecedents of the petitioners have been mentioned. Besides, in case any cognizable offence is stated to have been committed by an accused, the proper remedy is to file a complaint before the Incharge of Police Station concerned in terms of Section 154 of the Code of Criminal Procedure ('Cr.P.C.' - for short).

In AR Antulay v. R.S. Nayak and anr., AIR 1984 SC 718 it was held that it is a well recognized principle of criminal jurisprudence that anyone can set or put the criminal law into motion except where the statute enacting or creating an offence indicates to the contrary.

The Supreme Court in Sakiri Vasu v. State of U.P. and others, 2008 (1) RCR (Criminal) 392 has mentioned the steps to

be taken where the police does not register FIR. It is inter alia provided that a petition under Section 482 Cr.P.C. is not to be entertained for registering a FIR and the petitioner should be relegated to the Magistrate, who has power to register FIR under Section 156 (3) Cr.P.C. or direct the police to register FIR.

In view of the above, the petitioners may, if so advised, avail other remedies in accordance with law. However, a Public Interest Litigation at their behest and that too for an investigation to be conducted which is possible with the registration of a FIR and therefore, for registration of a FIR, is not maintainable.

The writ petition is accordingly dismissed.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

29.04.2016
A.Kaundal