

CRM-M-230-2017 (O&M)
Date of decision: 08.09.2017

Ahish Dutta ...Petitioner
Versus
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Robin Dutt, Advocate, for the petitioner.

Mr. K.S.Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of direction to the official respondents to investigate the matter or transfer the investigation to some other agency.

It is submitted that on 19.06.2016, a telephonic call was received by the sister of the petitioner that the brother of the petitioner has been admitted in a serious condition in Shri Raghunath Hospital, Ferozepur Road Ludhiana and he succumbed to his injuries on 23.06.2017. Learned counsel for the petitioner submits that he has moved a complaint for proper investigation of the case but the police has initiated the proceedings under Section 174 Cr.P.C. and has not registered the FIR. Thereafter, the petitioner has also given a representation to the higher authorities.

In pursuance to the notice of motion, reply by way of an affidavit of Commissioner of Police, Ludhiana has been filed. Apart from explaining the investigations conducted by the police, it is also submitted therein that the petitioner has already filed a complaint under Section 156 (3) of Cr.P.C. for registration of the FIR before the Chief Judicial Magistrate, Ludhiana and the same was dismissed vide order dated 13.09.2016.

The petitioner, instead of challenging that order, has filed the present petition and therefore the same is not maintainable. The petitioner should have challenged the order passed by the Chief Judicial Magistrate, Ludhiana before the Appellate/ Revisional Court.

In view of the above, learned counsel for the petitioner submits that he may be permitted to withdraw the present petition at this stage in order to avail his remedy of appeal / revision before the competent Court of law.

Dismissed as withdrawn. However, in case, the petitioner files a revision before the Court of Session, the same will be decided on merits without raising any objection regarding the limitation as the petitioner was pursuing his remedy before this Court.

(ARVIND SINGH SANGWAN)
JUDGE

08.09.2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No