

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

CRM-M-5984-2017 (O&M)

Date of Decision: 13.07.2017

RAJESH KUMAR AND ANOTHER

... Petitioners

VS.

U.T. CHANDIGARH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. A.P.S.Shergill, Advocate,
for the petitioners.

Mr. Rajiv Sharma, Advocate,
Additional Public Prosecutor, U.T., Chandigarh
for the respondent No. 1 to 5.

Mr. Jai Parkash Rana, Advocate,
for respondent Nos. 7 and 10.

KULDIP SINGH, J (ORAL)

The present petition has been filed for directing the official respondents No. 1 to 6 to register an FIR as per the guidelines laid down by Hon'ble Supreme Court in judgment titled as "***Lalita Kumari Vs. State of Uttar Pradesh***" ***Manu/SC/1166/2013***, and for quashing of the false kalandra registered vide DDR No. 45 dated 05.09.2016 under Sections 107/151 Cr. P.C. at Police Station Burail, U.T., Chandigarh in which petitioner No. 2 was falsely implicated.

As per the reply filed on behalf of the Additional Public Prosecutor for the U.T., Chandigarh it comes out that the kalandra has been presented which is now disposed of by the Sub Divisional Magistrate (South), Chandigarh in which warning has been given to the parties to maintain peace. It is further stated that since, no injury was found, therefore, no criminal case was registered.

I am of the view that this Court, in routine, cannot direct the

Police to register a case in exercise of inherent power under Section 482

Cr. P.C. If the petitioners feel that some offence has been committed and Police is not registering the case, it is always open for the petitioners to file a criminal complaint before the learned Illaqa Magistrate.

Faced with these circumstances, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file a criminal complaint before the learned Illaqa Magistrate, U.T., Chandigarh in which he can always make a request under section 156 (3) Cr. P.C. which is to be considered and decided by the learned Magistrate without being influenced by the fact that the petitioner had approached this Court.

In view of the request of the leaned counsel for the petitioners, the present petition stands dismissed as withdrawn with aforesaid liberty.

July 13, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

		✓	
Whether speaking / reasoned	:	Yes	/ No
			✓
Whether Reportable	:	Yes	/ No