

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

CWP No.20777 of 2017

Date of Decision:13.09.2017

Sandeep Kaur
vs.

.....Petitioner

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. G.S. Punia, Advocate and
 Mr. P.S. Punia, Advocate for
 the petitioner.

Rakesh Kumar Jain (Oral)

The petitioner has prayed for the issuance of a writ in the nature of mandamus for reinvestigation of FIR No.128 dated 29.10.2013 registered at Police Station Amloh, District Fatehgarh Sahib under Section 338 IPC and also for awarding damages of ₹1 crore on the ground that she has become 100% disabled because of the negligence of the State authorities for not performing their duties to assure proper construction and maintenance of the building of the University.

Briefly stated, the petitioner allegedly suffered injury when wall of the University was allegedly fell on her and she has allegedly become 100% disabled. She was a student of the University. The FIR was registered. After investigation of the FIR, challan was presented on 01.01.2017 but the JMIC Ist Class, Amloh, District Fatehgarh Sahib vide his order dated 18.04.2017 discharged the accused. The petitioner has thus prayed for re-investigation of the matter and for payment of compensation.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that if the accused has

been wrongly discharged, the petitioner could have availed her remedy by challenging the order of discharge and insofar as the compensation is concerned, it cannot be granted without fixing the liability of the respondents. In this regard, the petitioner may have to go to Civil Court but insofar as the writ petition is concerned, the same is hereby dismissed being not maintainable.

September 13, 2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No