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

**CWP No.12007 of 2018 (O&M)**  
**Date of decision: September 05, 2018**

NIILM University

...Petitioner

Versus

State of Haryana and another

...Respondents

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**

**Present:** Mr. R.S.Rai, Senior Advocate, with  
Mr. Deepak Singh Saini, Advocate, for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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**Rakesh Kumar Jain, J. (Oral)**

Earlier, the petitioner had filed CM No.11539-CWP of 2018 for stay of further proceedings in case FIR No.8 dated 01.08.2018, registered under Sections 409, 420, 467, 468, 471 and 120-B IPC at Police Station Rajya Chowksi, Ambala. The said application was dismissed as not pressed on 13.08.2018 with the following order:-

“Learned counsel appearing on behalf of the applicant-petitioner have submitted that they do not want to press the present application. However, it is requested that the respondents may be asked to provide a copy of FIR No.8 dated 01.08.2018, registered under Sections 409, 420, 467, 468, 471 and 120-B IPC at Police Station Rajya Chowksi, Ambala.

Learned State counsel assures the Court that the copy of the FIR shall be supplied to the learned counsel for the applicant-petitioner during the course of the day.

In view of the above, the present application is dismissed as not pressed.”

Now the application bearing CM No.12878-CWP of 2018 has been filed for seeking modification/clarification of the order dated 13.08.2018

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on the ground that although the application bearing CM No.11539-CWP of 2018 has been withdrawn by him but the petitioner wanted to challenge the aforesaid FIR by way of a petition to be filed under Section 482 Cr.P.C. The petitioner has, thus, prayed that he may be given liberty for the same.

Learned senior counsel appearing on behalf of the petitioner, on instructions, states at the bar that since the petitioner wants to approach this Court, while invoking inherent jurisdiction under Section 482 Cr.P.C. instead of writ petition under Articles 226/227 of the Constitution of India, therefore, he would withdraw the main writ petition as well but liberty may be given to challenge the legality of the FIR under Section 482 Cr.P.C.

Although the main writ petition is fixed for 08.10.2018 but keeping in view the oral request made by the learned counsel for the petitioner, at this stage, notice is issued to the learned Counsel for the State.

On asking of the Court, Mr. Saurabh Mohunta, DAG, Haryana, accepts notice on behalf of the respondent-State and submits that he has no objection if the writ petition is permitted to be withdrawn to avail the remedy of filing a petition under Section 482 Cr.P.C.

In view of the above, the present writ petition, which is now fixed for 08.10.2018, is taken on the board and is hereby dismissed as withdrawn. However, the liberty is granted to the petitioner to assail the validity of the aforesaid FIR No.8 dated 01.08.2018 by way of a petition under Section 482 Cr.P.C.

**September 05, 2018**  
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**(Rakesh Kumar Jain)**  
**Judge**

Whether speaking / reasoned : Yes/No  
Whether reportable : Yes/No