

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.5169 of 2019 (O&M)
DATE OF DECISION : 13th DECEMBER, 2019

Gurmail Singh

.... Petitioner

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : None for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondent Nos. 2 & 3 to take an action against respondents No.4 & 5.

This Court has already held in another petition i.e. ***CRM-M-20457 of 2019 decided on 06.05.2019***, that unless the statutory proceedings have already been initiated by a statutory authority or a Court, under Code of Criminal Procedure (for short, 'Cr.P.C'), Section 482 Cr.P.C cannot be invoked for issuance of any direction to the Police or the authorities. Hence a petition under Section 482 Cr.P.C., for a direction to police to register FIR or for decision on representation, is not maintainable. The remedy can be a writ petition for issuance of mandamus under Article 226 of Constitution of India.

In view of the above, the petition is dismissed, however, liberty is granted to the petitioner to avail alternative remedies; in accordance with law.

13th DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No