

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

CRM-M No.6344 of 2019 (O&M)
DATE OF DECISION : 13th DECEMBER, 2019

Jorawar 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.

Mr. Rohit Sud, Advocate for respondent No. 5.

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RAJBIR SEHRAWAT, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for seeking direction to respondents No.1 to 4 to take appropriate legal action against respondent No.5, who forcibly recovered the Truck/vehicle of the petitioner bearing registration No.PB 02 D F 9662, with the help of recovery agents.

Reply filed by the State is taken on record.

There is no representation on behalf of the petitioner today.

Otherwise, also, 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

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>