

S.No.117

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

CRM-M-16040 of 2019 (O&M)

Date of Decision:25.09.2019

Raj Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- None.

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Section 482 Cr.P.C for issuance of appropriate direction to respondent No.1 for directing respondent No.2 to take action against respondents No.3 to 5 and to properly investigate the matter and to decide the representation dated 14.03.2019.

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. Still further it has been held that a petition under Section 482 Cr.P.C., for enforcement of fundamental right to life and liberty is not maintainable. The remedy can be a writ petition under Article 226 of Constitution of India.

In view of above, present petition is dismissed.

However, the petitioner would be at liberty to avail any other remedy, in accordance with law.

September 25, 2019

(RAJBIR SEHRAWAT)

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JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No