

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

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**CWP No. 12786 of 2013 (O & M)
Date of Decision: 25.1.2019**

Lt. Col. (Retd.) Anil Kabotra

.....Petitioner

v.

State of Punjab and others

.....Respondents

CORAM HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sandeep Khunger, Advocate with
Mr. Beant Singh, Advocate, for the petitioner

Mr. Abhaypal Singh Gill, AAG, Punjab

Mr. Vishal Aggarwal, Advocate, for respondent No.4

ARUN MONGA, J. (Oral) :

Owing to the matrimonial discord between the petitioner-husband and respondent No.5-wife, certain disputes have been going on between them which, inter alia, include registration of FIR No.104 dated 27.5.2003 at the instance of wife as also some matrimonial proceedings. The present petition is also a direct outcome of the grievance of the husband against his wife as per the detailed allegations contained in the writ petition. The prayer in the present petition, inter alia, is for issuance of an appropriate writ in the nature of mandamus directing respondent No.2 -Director General of Police and respondent No.3 -SSP, Pathankot to conduct investigation and register an FIR thereafter.

2. Be that as it may, without going into the merits of the case, suffice to observe that the proper remedy in the present case, if so advised,

is to invoke proceedings under Section 156 of Cr.P.C. and not to resort extraordinary writ jurisdiction under Article 226 of the Constitution of India.

3. Accordingly, the present writ petition is disposed of with liberty to the petitioner to seek appropriate remedy as may be advised in the facts and circumstances of the case.

(ARUN MONGA)
JUDGE

25.1.2019
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No