

Sr. No.117

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

CRM-M-39820-2019(O&M)

Date of decision:18.09.2019

Sukhwinder Kaur and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Raman Mohinder Sharma, Advocate
for the petitioners.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for protection of life and liberty of petitioners and their family members and to take an action against the errant police officer i.e. D.S.P., Dirba, District Sangrur who has started a parallel inquiry to the criminal complaint filed before the Criminal Court at Sunam in which the Court has already summoned the accused persons.

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 the above, counsel for the petitioners seeks permission to withdraw the present petition with liberty to avail alternative remedies; in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

18th September, 2019

Shivani Kaushik

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No

[RAJBIR SEHRAWAT]

JUDGE