

Sr. No.129

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

CRM-M-40775-2019(O&M)

Date of decision:23.09.2019

Shingara Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. NeerajMadaan, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for issuance of directions to the official respondents No.2 to 4 to conduct the fair and impartial investigation and further to initiate legal action against the accused/respondents No.5 to 16 on the complaint/representation.

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Dismissed as withdrawn with liberty aforesaid.

23rd September, 2019

Shivani Kaushik

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No

**[RAJBIR SEHRAWAT]
JUDGE**