

Sr. No.117

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

CRM-M-44246-2019

Date of decision:18.10.2019

Joginder Singh Mattu

..... Petitioner

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sonpreet S.Brar, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for issuance of direction to the respondent Nos.2 to 4 for constituting an SIT against respondent No.6 for conducting an fair and independent enquiry by a Senior Officer on the representations given by the petitioner.

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 petitioner seeks permission to withdraw the present petition with liberty to avail alternative remedies; in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

18th October, 2019

Shivani Kaushik

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

[RAJBIR SEHRAWAT]

JUDGE