

S.No.110

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

CRM-M-44809 of 2019 (O&M)

Date of Decision:19.10.2019

Shamsher 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 direction to the official respondents to conduct fair and impartial investigation in the complaint/ representation dated 02.07.2019 submitted by the petitioner in light of the order passed by the learned Additional District Magistrate, Patiala as till date no action has been taken by the official respondents.

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.

October 19, 2019

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(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No