

S.No.125

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

CRM-M-44904 of 2019 (O&M)

Date of Decision:22.10.2019

Gurbax Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amit Goyal, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Section 482 Cr.P.C for issuance of an appropriate order or direction, directing the official respondents to conduct an inquiry against respondent No.4 who is unnecessarily harassing and threatening the petitioner to implicate him in some false case and put behind bars at the instance of respondent No.5 and further to save the life, liberty and property of the petitioner and his family from the above said persons, who are being harassed by respondents No.4 and 5.

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 petition with liberty to avail alternative remedies; in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

October 22, 2019

renu

Whether Speaking/reasoned

Whether Reportable

(RAJBIR SEHRAWAT)

JUDGE

Yes/No

Yes/No