

Sr. No.121

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

CRM-M-45856-2019

Date of decision:29.10.2019

Shivani Garg

.....Petitioner

versus

State of Haryana and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. S.K.Tripathi, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for issuance of directions to the respondents police authorities to take legal action against respondents Nos.8 to 17 by registering criminal case under Sections 323/341/347/427/452/506/120-B IPC and appropriate other Sections of IPC like as 420/467/468/471 IPC.

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, the present petition is dismissed.

However, the petitioner shall be at liberty to avail alternate remedy in accordance with law.

29th October, 2019

Shivani Kaushik

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No

[RAJBIR SEHRAWAT]

JUDGE