

S.No.113

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

CRM-M-46660 of 2019 (O&M)

Date of Decision:01.11.2019

Manjit SonyPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gurcharan Dass, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Section 482 Cr.P.C for issuance of directions to S.P.(Headquarters), Jagraon, District Ludhiana to conclude the enquiry in application No.2016/PC-1 dated 05.08.2017 marked to him by the DIG on 30.05.2017 and register FIR under Sections 406, 420, 467, 468, 471 & 120-B IPC against respondents No.5 to 10 in view of the judgment of Hon'ble Supreme Court titled "Lalita Kumari v. Government of Uttar Pradesh and others" in Writ Petition (Criminal) 68 of 2008 decided on 12.11.2013.

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Dismissed as withdrawn with liberty aforesaid.

November 01, 2019

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Whether Speaking/reasoned

Whether Reportable

(RAJBIR SEHRAWAT)

JUDGE

Yes/No

Yes/No