

S.No.111

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

CRM-M-48268 of 2019 (O&M)

Date of Decision:14.11.2019

Satish Kumar

.....Petitioner

Vs.

State of Punjab and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. B.K. Mehta, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Section 482 Cr.P.C for issuance of necessary directions to respondents No.1 to 3 not to unnecessarily harass the petitioner while looking for son of petitioner, namely, Malik Kumar said to be an accused in FIR No.138 dated 25.09.2019 lodged at PS Cantt, Jalandhar as respondent No.4 is threatening the petitioner of being falsely implicated in a criminal case if Malik Kumar was not to be produced by him at Police Station Cantt. Jalandhar.

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Dismissed as withdrawn with liberty aforesaid.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 14, 2019

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Whether Speaking/reasoned

Whether Reportable

(RAJBIR SEHRAWAT)

JUDGE

Yes/No

Yes/No