

S.No.113

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

CRM-M-48509 of 2019 (O&M)

Date of Decision:16.11.2019

Rajinder Singh alias JinderPetitioner

Vs.

State of Punjab and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Puja Chopra, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Section 482 Cr.P.C for directing respondents No.1 to 3 to take appropriate legal action against the police officers of Police Station Patran, Police Station CIA Staff, Patiala, District Patiala and Police Station Passiana, District Patiala for manhandling, torturing and threatening the petitioner during under their custody.

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Dismissed as withdrawn with liberty aforesaid.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 16, 2019

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(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No