

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.50418 of 2019
DATE OF DECISION : 27th NOVEMBER, 2019

Gurdhian Singh & another

.... **Petitioners**

Versus

State of Punjab & others

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Balbir Singh Jaswal, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondent No.2 to look into the request of the petitioners dated 12.09.2019 (Annexure P-2) and to proceed with the same as the accused persons wants to implicate the petitioners and their family members in a false case on the asking of the ruling party as the petitioner No.1 remained Sarpanch of the village for the last three terms.

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 petitioners seeks permission to withdraw the present petition with liberty to avail alternative remedies; in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

27th NOVEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>