

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-1833 of 2020 (O&M)

Date of decision : 28.1.2020

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Sukhmanjit Singh

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

...

Present: Mr. Vishal Gupta, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

By way of filing the present petition under Section 482 Cr.P.C., petitioner – Sukhmanjit Singh, seeks quashing of order dated 13.8.2019, passed by the court of Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, vide which objections dated 24.7.2018, filed by petitioner on behalf of his mother under Section 84 Cr.P.C., against the attachment of property, had been dismissed.

Section 84 Cr.P.C. deals with claims and objections to attachment. Sub Section 4 thereof provides that any person whose claim or objection has been disallowed in whole or in part by an order under Sub-Section (1) may, within a period of one year from the date

of such order, institute a suit to establish the right which he claims in respect of the property in dispute; but subject to the result of such suit, if any, the order shall be conclusive.

The petitioner had efficacious remedy of filing a civil suit to establish his right in the attached property, but instead of doing so, he has rushed to this Court by way of filing the instant petition. Section 482 Cr.P.C. deals with inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

Certainly this provision is not a panacea for every ill. When a specific remedy is provided under the law for redressal of a particular grievance, the person aggrieved must take recourse to that remedy instead of straightway coming to the High Court without taking recourse to the proper, appropriate and efficacious remedy.

Therefore, the present petition cannot continue. The same is dismissed. The petitioner may avail of the remedy available to him under the law.

28.1.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No