

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

CRM-M-8659 of 2020

Date of Decision:-27.02.2020

Kashmir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for issuing directions to respondents No.1 and 2 to decide the representation dated 12.1.2020 (Annexure P-3) and to take appropriate action against respondent No.3 and to release the vehicle bearing registration No.PB-05-AC-6464 from the possession of respondent No.3.

Learned counsel for the petitioner has *inter alia* argued in the present case that respondent No.3 has forcibly taken away his vehicle, which according to learned counsel for the petitioner constituted an offence. He submits that the police is not taking any action, therefore, he has filed the present petition.

There are two aspects involved in the present case. Firstly, the prayer of the petitioner that the police is not taking any action and

according to him a cognizable offence is made out, therefore, the High Court should directions in this case.

However, in view of the law laid down by Hon'ble Supreme Court in **Sakiri Vasu vs. State of U.P. and others, 2008 (1) RCR (Criminal) 392** when an alternative remedy for filing a criminal complaint is available then the High Court would not normally interfere into such kind of petitions. It is not a case where the life and liberty of a person is involved and that the matter so sensitive that the High Court should invoke its extraordinary powers/jurisdiction to interfere into the matter. Secondly, the prayer made by the petitioner seeking direction to decide the representation would also not be permitted because the High Court in exercise of its extraordinary jurisdiction would not ordinarily in every case in mechanical manner direct the official respondents to decide the representation. It is only that in case the High Court is satisfied that the issue involved is serious and sensitive in nature then in such circumstances the interference can be called for.

However, the petitioner could not satisfy the Court with regard to the said two aspects. Therefore, in view of the above, no interference in the present petition is called for.

The petition stands dismissed.

February 27, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No