

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32697-2020 (O&M)

Date of Decision: 15.10.2020

Atul

...Petitioner

vs.

State of Haryana and others

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr.Naveen Siwach, Advocate for the petitioner.
Mr. Surender Singh, Asstt. AG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.
2. Prayer in the petition under Section 482 of Cr.P.C., is for directing the official respondents to consider the complaint of the petitioner and to take appropriate legal action and investigate the matter in a fair manner etc.
3. Learned Asstt. AG, Haryana, contends that the petition is not maintainable in view of the decision of Hon'ble the Supreme Court in **Sakiri Vasu vs. State of UP and others 2008 (2) (SCC 409)**. Relevant extract of the same is reproduced as under:-

“25. We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482Cr.P.C. We are of the

opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters, and relegate the petitioner to his alternating remedy, firstly under Section 154(3) and Section 36Cr.P.C. before the concerned police officers, and if that is of no avail, by approaching the concerned Magistrate under Section 156(3).”

4. Faced with the aforementioned position, learned counsel for the petitioner prays for permission to withdraw the petition with liberty to take out appropriate proceedings, in accordance with law.

5. In view of the statement of learned counsel for the petitioner, the petition is dismissed as withdrawn, with the liberty as prayed for.

(B.S. Walia)
Judge

15.10.2020
'Amit-Rajesh'

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No