

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

114

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IN VIRTUAL COURT

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CRM-M No. 35185 of 2020

Date of decision : 2.11.2020

Ajay Kumar

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Surya Kumar, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This is a petition filed under Section 482 Cr.P.C for issuance of directions to the official respondents to register a criminal case/FIR against respondents No. 5 to 7, in accordance with law.

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 present petition with liberty to avail alternative remedies; in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

**(RAJBIR SEHRAWAT)
JUDGE**

2.11.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No