

CWP-6074-2021

Date of decision: 16.03.2021

Sanjeev Sabharwal

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Amit Dhawan, Advocate
for the petitioner.**FATEH DEEP SINGH, J.**

The petitioner-Sanjeev Sabharwal has invoked the jurisdiction of this Court under Articles 226/227 of the Constitution of India seeking directions by way of writ of *mandamus* impelling upon respondents No.1 to 4, who are police authorities, to take immediate legal action against private respondent No.7.

Heard counsel for both the sides and perused the records.

Apparently, as per own stand of the petitioner, he belongs to scheduled caste, for which, reliance has sought to be placed on

the caste certificate (Annexure P-1). The petitioner, at the relevant time, in the year 2016, was appointed as Clerk in the Department of Employment Generation and Training, Punjab Chandigarh, where respondent No.7 was posted as Deputy Director and it is claimed that she had been ill-treating, humiliating and harassing the petitioner with an intention of casteism prejudices. It is further alleged that on 21.05.2020, the petitioner had made remarks disparaging and demeaning to the caste of the petitioner and thus, the petition in question.

During the course of submissions, it has been fairly conceded that offences, if any, alleged are criminal in nature and, therefore, by virtue of provisions of Section 154, 156 (1) and 156 (3) provides that complaint of such an offence can be made to a Magistrate who has wide powers to direct the police to register an FIR to monitor the investigations and which has never been resorted to, by the petitioner. By virtue of doctrine of implied power, express powers have been granted by the Code of Criminal Procedure to the police to act in such an eventuality and, therefore, rather than availing remedy by way of approaching the police, the petitioner has chosen the convenient way to come up in this petition before this Court. By virtue of this, wider question comes forth, if filing of writ petition can be so loosely construed, when specific ways and means have been well enshrined in the criminal law for which this Court

seeks support from the judgment passed in “Sakiri Vasu versus State of Uttar Pradesh” (2008) 2 SCC 409 and holds that the present petition does not sustain and is dismissed in limine.

16.03.2021
Neha

(FATEH DEEP SINGH)
JUDGE

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