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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-918-2022 (O&M)
Date of Decision:03.02.2022

Avtar Singh

.. Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Preetinder Singh Dhaliwal, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Article 226 Constitution of India for issuance of a writ in the nature of Mandamus directing respondent Nos.2 and 3 to protect the life and liberty of the petitioner and his family members at the hands of respondent Nos.5 and 6.

Learned counsel for the petitioner has argued that the petitioner and his brother and father were falsely implicated in case FIR No.38 dated 18.08.2015, under Sections 379/427 IPC on the basis of a complaint given by respondent No.6 Dogar Singh, wherein it was alleged that the petitioner, his brother and father demolished the room of Dharamshala, which was constructed by the complainant. He has argued that after completion of investigation, a cancellation report was submitted, which was accepted by the JMIC, Barnala on 16.03.2021. He submits that thereafter, he moved an application dated 04.10.2021 (Annexure P-6) to SSP, Barnala for taking action against ASI Satpal Singh under Section 182 IPC. He also submitted applications to the DGP and Hon'ble Chief Minister Punjab (Annexures P-4 and P-5). He submits that now ASI Satpal Singh is threatening the

petitioner to withdraw this application and prays that the petitioner be provided protection.

After hearing the learned counsel, this Court does not find any merit in this petition, as the FIR was registered in the year 2015 and when the cancellation report was accepted, no such prayer was made before the Magistrate. Apart from it, the proceedings under Section 182 IPC cannot be initiated against ASI Satpal Singh, as the complaint against the petitioner and others was given by respondent No.6. Further, no particulars of the threat are given in the petition, therefore, this Court is not inclined to exercise the extraordinary writ jurisdiction.

Dismissed.

03.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No