

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

114

CRWP-6532-2022

Date of Decision : **July 08, 2022**

NAVNIT SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Yogesh Saini, Advocate for
Mr. Ankur Malik, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India with a prayer for directing the official respondents to perform their legal statutory duty and to protect the life and liberty of the petitioner.

It has been submitted by the learned proxy counsel for the petitioner that there was a dispute between the petitioner and respondent No.5 and because of the dispute a financial dispute arose between the parties and now respondent No.5 is neither settling the account with the petitioner nor giving profit and is not paying interest and all the original documents are with him and has committed fraud. Learned counsel referred to para No.13 of the representation in this regard. In the representation a prayer was made for registering of an FIR under Sections 406, 420, 467, 468, 471, 120-B, 506 IPC and protection of life and liberty. He submitted that the representation was given to Superintendent of Police, District Yamuna Nagar but no action has been taken in this regard despite the fact that the representation is dated 22.4.2022.

I have heard the learned proxy counsel for the petitioner.

A bare perusal of the purported representation Annexure P-1

would show that although the same is dated 22.4.2022 but there is nothing on record to show as to whether the petitioner has actually given the representation to any police office or not including the SP. There is neither any diary number nor any registration number nor any other mode whatsoever either in the document or in the petition itself. The present petition is being filed under Article 226 of the Constitution of India and it appears that the prayer is in the nature of mandamus although not specifically stated by the petitioner. It is settled law that a writ of mandamus cannot lie and is not maintainable unless a representation/complaint/notice is given to the respondents. In the present case there is nothing to suggest that such representation etc. was given by the petitioner. Apart from the same the grievance of the petitioner is with regard to settling of the account with the private respondents. For the aforesaid relief the extra ordinary jurisdiction under Article 226 of the Constitution of India cannot be invoked as in case the petitioner has any such grievance then he can have recourse to the alternate remedy which was available to him under the law and also in view of the law laid down by the Hon'ble Supreme Court in *Sakri Vasu Vs. State of U.P. and others 2008(1) RCR (Criminal) 392*.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

July 08, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No