

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

CWP-2110-2020

Date of decision : 03.05.2023

Suresh Kumar and another

...Petitioners

Vs.

Union Territory of Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.P.S. Rahi, Advocate
 for the petitioners.

Mr. Jaivir Chandail, Advocate for
Mr. Piyush Khanna, Advocate
for respondents No.1 to 4.

None for respondent No.5.

MANOJ BAJAJ, J.

Petitioners have filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of mandamus directing respondents No. 2 and 3 to conduct fair investigation in case PW201921842 dated 13.11.2019, PW201922143 dated 18.11.2019 and PW202000871 dated 14.01.2020 (Annexures P-2, P-3 and P-4 respectively).

Learned counsel has argued that the petitioner No.1 had given a complaint against Constable Vinod Kumar-respondent No.5 for causing injury to his son Karan Kumar-petitioner No.2 and supporting medical evidence was also given to respondent No.2, but no FIR was registered. He further submits that apart from it, the petitioner No.1 has also prayed for initiation of disciplinary action against respondent No. 4, who did not investigate the case and attempted to protect respondent No.5.

At this stage, learned counsel for the respondents has pointed that the grievance of the petitioners relating to registration of case has been redressed as FIR No.0022 dated 31.01.2020 (Annexure R-1) stands registered.

Today learned counsel for the petitioner prays for an adjournment to file replication to the reply filed by respondents No.1 to 4 through Inspector Navjot Singh, SHO, P.S. Sector 36, U.T. Chandigarh.

Learned counsel for the petitioners submits that the FIR has been registered incorrectly and the respondent No.5 has not been made an accused, therefore, intervention of this Court is warranted.

Upon hearing the learned counsel for the parties and considering the above background, it is amply clear that in respect of the alleged commission of offence, police has taken formal cognizance by registering the FIR and the same is under investigation. Even if, the petitioners feel that their grievances are not completely redressed, they can raise the said issues before the Magistrate at an appropriate stage i.e. after the final report under Section 173 (2) Cr.P.C. is submitted or by filing a criminal complaint in accordance with law.

Resultantly, at this stage, this Court is not inclined to exercise the extraordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

(MANOJ BAJAJ)
JUDGE

03.05.2023

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No