

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-7488-2023

Date of decision : 31.07.2023

Anil Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Dr. Rau P.S. Girwar, Advocate
for the petitioner.**VIKAS BAHL, J.(ORAL)**

1. This is a criminal writ petition filed under Article 226 of the Constitution of India for issuance of a writ mandamus of directing respondent no.3 for taking appropriate action on the complaint filed by the petitioner dated 03.03.2023 to respondent no.4 (Annexure P-9) with respect to life and liberty of the petitioner.

2. Learned counsel for the petitioner has submitted that in the earlier writ petition filed by the petitioner i.e., CRWP-7061-2022, a coordinate Bench of this court had passed the following order:-

“Petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of mandamus directing the respondent No.4 to dispose of the complaint-cumrepresentation (Annexure P-4) dated 03.06.2022 for protection of life, liberty and property of the petitioner from being invaded by private respondents No.7 to 12.

Perusal of the complaint-cum-representation filed before the Deputy Commissioner in terms of paras no.4,5,8 and 9 would show that the complaint is in respect of commission of cognizable offence.

Evidently, the petitioner has not filed any such complaint before the Incharge Police Station of concerned Police Station, however, the complaint is addressed to Deputy Commissioner with a copy to police

authorities as well including SHO Police Station Nehianwala. The writ petition involves disputed question of fact for which the petitioner has to invoke appropriate remedy in accordance with law.

Petitioner, if so advised may also move an application in terms of Section 154 Cr.P.C. before the Incharge Police Station. In the event of filing such an application, the same shall be considered by the authority strictly in accordance with law.

Dismissed.

25.08.2022

(RAJ MOHAN SINGH)
JUDGE”

Learned counsel for the petitioner has submitted that although the petitioner had moved an application before the Incharge, Police Station but no FIR has been registered and thus, in view of law laid down by Hon'ble Supreme Court of India in case titled as ***Sakiri Vasu vs. State of U.P. And others, reported as 2008(2) SCC 409*** and in ***M.Subramaniam and another vs. Janaki and another, Criminal Appeal no.102 of 2011,*** decided on 20.03.2020, he seeks permission of this Court to withdraw the present petition with liberty to pursue alternative remedies, in accordance with law.

3. In view of the above, the present petition is dismissed as withdrawn, with liberty aforesaid.

(VIKAS BAHL)
JUDGE

July 31, 2023
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No