

CRM-M-37033-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37033-2023 (O&M)

Date of decision: July 31, 2023

Akshay Duggal

....Petitioner

versus

State of U.T., Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Sanjeev Kumar, Advocate for petitioner.

Mr. Akashdeep Singh, Additional P.P. U.T., Chandigarh.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking issuance of directions to respondents No.1 and 2 to carry out a fair and impartial investigation into alleged incident arising out of FIR No.0094 dated 09.07.2023, under Sections 279, 337 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station East Sector 26, Chandigarh.

2. Learned counsel for the petitioner contends that on 09.07.2023 at about 6:00 p.m., when petitioner was driving his car towards Sukhna Lake, a Gypsy with two occupants, bearing Registration No.PB-65K-9412 driven recklessly at an extremely high speed came from behind. It hit the car of the petitioner when he was waiting at red lights at Khalsa College Traffic Light Point, Sector 26/7, inflicting injuries to the occupants and damage to the vehicle.

3. Notice of motion.

4. Mr. Akashdeep Singh, Additional P.P. U.T., Chandigarh appears on service of advance copy of petition and accepts notice on behalf of U.T., Chandigarh.

5. In my opinion, the petitioner ought to have first approached learned *Ilaqa*/Area Magistrate under Section 156 (3) Cr.P.C for redressal of his grievance, if any, before directly approaching this Court. If such an application is made and Magistrate is, *prima facie*, satisfied, he can, in case FIR has already been registered, as is the instant

