

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CWP-PIL-166-2024
Date of decision: 13.08.2024

GOPAL ANGRA

..Petitioner

Versus

UNION OF INDIA & OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Baltej Singh Sidhu, Sr. Advocate
with Mr. Vaibhav Vats, Advocate
Mr. Angrej Singh Sarwara, Advocate
Mr. Gurpreet S. Brar, Advocate
and Mr. Robin S. Bhullar, Advocate
for the petitioner.

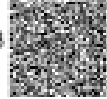
Mr. Satya Pal Jain, Additional Solicitor General of India
with Ms. Saigeeta Srivastava, Advocate
for respondent-Union of India.

Mr. Ravi Kamal Gupta, Advocate
for respondent No.2-CBI.

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SHEEL NAGU, C.J. (Oral)

1. This Public Interest Litigation (PIL) has been filed praying for
issuance of a writ in the nature of mandamus directing respondent No.2-
Central Bureau of Investigation (CBI) to investigate the educational
qualification certificates of respondent No.6.



2. The grievance of the petitioner, who is unrelated to the cause raised herein is that despite making complaint against respondent No.6 of giving false affidavit, no heed has been paid by the Police by either registering an FIR or initiating any kind of prosecution.

3. Learned Senior counsel for the petitioner alleges that the cognizable offence of cheating is *prima facie* made out against respondent No.6.

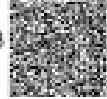
4. An FIR can always be lodged by a stranger under Section 154 Cr.P.C. and in case the police is not registering the FIR, petitioner is free to approach the Magistrate under Section 156(3) or Section 200 of the Cr.P.C. (Section 173/175/223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)).

5. It is settled, in view of string of judgments of Apex Court in *Jaipur Shahar Hindu Vikas Samiti Vs State of Rajasthan and others, (2014) 5 SCC 530* and *Jafar Imam Naqvi Vs Election Commission of India, (2014) 15 SCC 420*, that in the event of availability of an alternative statutory remedy, the cause raised in a writ petition filed as Public Interest Litigation ought not to be entertained unless the said remedy is exhausted.

6. The relevant portions of the said judgements are reproduced below:-

Jaipur Shahar Hindu Vikas Samiti Vs State of Rajasthan and others (supra):-

“49. The concept of public interest litigation is a phenomenon which is evolved to bring justice to the reach of people who are handicapped by ignorance, indigence, illiteracy and other downtrodden people. Through the public interest litigation, the cause of several people who are not able to approach the court is espoused. In the guise of public interest litigation, we are coming across several cases where it is exploited for the



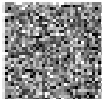
benefit of certain individuals. The courts have to be very cautious and careful while entertaining public interest litigation. The judiciary should deal with the misuse of public interest litigation with iron hand. If the public interest litigation is permitted to be misused the very purpose for which it is conceived, namely, to come to the rescue of the poor and downtrodden will be defeated. The courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it. In the realm of public interest litigation, the courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under a particular statute, the parties should be relegated to the appropriate forum instead of entertaining the writ petition filed as public interest litigation.”

Jafar Imam Naqvi Vs Election Commission of India
(supra):-

“9. The petitioner has submitted that this Court being the guardian of the Constitution is obligated to issue notice, call for the response and issue appropriate directions. Be it stated, the Election Commission might have taken note of it and initiated certain action. The matter of handling hate speeches could be a matter of adjudication in an appropriate legal forum and may also have some impact in an election dispute raised under the Representation of the People Act, 1951. Therefore, to entertain a petition as a public interest litigation and to give directions would be inappropriate. We have said so in view of the judgments in Manohar Joshi v. Nitin Bhaurao Patil [Manohar Joshi v. Nitin Bhaurao Patil, (1996) 1 SCC 169] and Ramchandra G. Kapse v. Haribansh Ramakbal Singh [Ramchandra G. Kapse v. Haribansh Ramakbal Singh, (1996) 1 SCC 206].”

7. Accordingly, this Court declines interference and relegates the petitioner to avail the remedy under Section 173/175 or Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), as the case may be.

8. The petition stands dismissed.



9. All the pending miscellaneous applications, if any, are also disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

August 13th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>