



CWP-2392-2025

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

(120)

CWP-2392-2025

Date of Decision : 29.01.2025

Gautam Mengi

...Petitioner

Versus

State of Maharashtra and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Amit Sharma (Kanav), Advocate
for the petitioner.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, as cast under Articles 226/227 of the Constitution of India, a prayer is made for quashing of notice dated 26.11.2024 (Annexure P/-1), issued by the Assistant Police Inspector, Compound of Commissioner of Police, Central Unit, Crime Branch, Navi Mumbai. Further prayer is made for issuance of a mandamus, directing the respondents No.4 to 6, to defreeze the Bank Account No.55092718797 of the petitioner, as well as not to take any coercive measures against the present petitioner, during the pendency of the instant writ petition.

2. The basic prayer of the petitioner is that the impugned notice has been issued in gross violation of provisions of Section 106 of Bharatiya Nyaya Sanhita, 2023, besides violation of Article 226 of the Constitution of India.

3. Before this Court delve into the merits of the instant case, this Court has found that the instant petition is a misconceived motion, inasmuch as, despite the petitioner being seized of an alternate and efficacious statutory



remedy for redressal of his grievance, and without approaching the competent authorities concerned, has sidetracked the said remedy, and has straightway accessed this Court, through instituting the instant writ petition. The impugned notice can be challenged either under Section 106(3) of the Bharatiya Nyaya Sanhita, 2023, by approaching the investigating officer concerned, or under Section 457 of Cr.P.C., by filing apt application before the Illaqa Magistrate, concerned.

4. In such circumstances, this Court refrains from exercising its power, as envisaged under Article 226/227 of the Constitution of India. Accordingly, the instant writ petition is **dismissed**.

5. However, liberty is reserved to the petitioner to approach the competent authorities concerned, i.e. the concerned Illaqa Magistrate, Navi Mumbai, for the relief, as sought in the instant writ petition.

6. In case, the petitioner approach the competent authority concerned, the latter shall decide the *lis*, within a period of 30 days, from the date of receipt of certified copy of this order/judgment, in accordance with law.

(KULDEEP TIWARI)
JUDGE

January 29, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No