

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-39834-2013

Date of decision: 27.4.2015

STATE OF HARYANA

.....Petitioner

Versus

BANTA RAM

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Rajesh Sheoran, Addl.A.G.Haryana

None for the respondent.

RAJ MOHAN SINGH, J.

This petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 16.10.2013, passed by Special Judge, Kurukshetra, vide which Director General, State Vigilance Bureau, Haryana has been summoned treating him as complainant of the case.

Learned State counsel submits that according to FIR, Inspector Balbir Singh, State Vigilance Bureau, Ambala is the complainant at whose instance FIR No. 37 dated 25.9.2007 was registered. After the investigation, cancellation report has been prepared and submitted to the Special Court. For the purposes of accepting or rejecting the cancellation report, notice was required to be given to aforesaid inspector Balbir Singh, State Vigilance Bureau, Ambala.

Special Judge, Kurukshetra has issued notice to Director General, State Vigilance Bureau, who processed the file at some time by sending the same to Chief Secretary for taking permission to

launch prosecution.

According to learned State counsel, Director General, State Vigilance Bureau cannot be considered as complainant in this case. Notice was issued in this case on 25.11.2013. At one point of time learned Advocate appeared on behalf of the respondent, but thereafter he stopped appearing on number of dates, for the reasons best known to the respondent. Learned State counsel states that the FIR was registered at the instance of Inspector Balbir Singh, State Vigilance Bureau and in any case, Director General, State Vigilance Bureau cannot be considered as complainant of the case because he at one point of time referred the case to the Chief Secretary for on going recommendation for granting permission to conduct the inquiry.

Since the cancellation report has been prepared and submitted to the Court, it is the requirement before accepting or rejecting the cancellation report to issue notice to the complainant. If the complainant files protest petition against such a course then the Court is required to take cognizance as per law.

Keeping in view the aforesaid, this petition is allowed and for all intents and purposes Inspector Balbir Singh, State Vigilance Bureau would be considered as complainant of the case for further course of action.

(RAJ MOHAN SINGH)
JUDGE

April 27, 2015

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