

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

Crl. Misc. No. M-42630 of 2013 (O&M)

Date of decision : 19.01.2015.

Madan Lal Thapar

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI**

Present: None for the petitioner.

Mr. Daljeet Singh Virk, AAG, Punjab

RITU BAHRI , J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure is for issuance of direction to respondent Nos. 1 to 3 to initiate independent inquiry against respondent Nos. 4 to 6, who implicated the petitioner as well as his brother and other family members in one and another false criminal cases due to the political as well as personal rivalry.

On 16.03.2012, the brother of the petitioner namely Amarjit was alone in the house when some anti social elements including one Tilak Raj and others attacked him in the house and they tried to kidnap him and also gave injuries to him. Due to the timely intervention of the petitioner and other neighbourers, his life was saved and F.I.R No. 54 dated 19.03.2012 u/s 323/324/341/148/149 IPC was registered at P.S. Sadar, Jalandhar (P-1). The petitioner is one of the eye witness in the above said F.I.R. On 19.12.2012

when the date was fixed for prosecution evidence, the accused persons in connivance with the local police especially respondent Nos. 4 and 5 started pressurizing the petitioner to have a compromise with the accused persons and withdraw the complaint. The police have also threatened the petitioner that in case he will not withdrew the case, he will be implicated in a false case. The petitioner and his brother were called in the Anti Fraud Office/E.O Wing, where respondent No. 4 was the incharge and the petitioner was being humiliated and insulted in order to pressurize the petitioner. Further respondent No. 6 took illegal gratification from the brother of the petitioner by putting him in a fear and again on 12.03.2013, the petitioner was called in the office of respondent No. 4. The petitioner thereafter approached the Human Rights Commission Punjab as well as the Commission for S.C and S.T at New Delhi with a copy to respondent No. 3 by giving all the above facts (P-2). The petitioner again submitted representation dated 19.03.2013 (P-3) to the same authorities. The petitioner submitted one RTI application dated 28.03.2013 for supply of copy of complaint referred by said Tilak Raj on the basis of which petitioner was called in the police station time and again but the police refused to supply the copy to the petitioner (Annexure P-4). Reply of the police is Annexure P-5. When the police refused to give the reply, the petitioner again on 16.05.2013 (P-6) submitted one application before the Human Rights Commission as well as to the Governor of Punjab with a copy to Commissioner of Police that he is apprehending that respondent No. 4 and 6 will implicate the petitioner in a false criminal case and they can be

even eliminated. E.O Wing headed by respondent No. 4 while making the enquiry on the complaint filed by one Tilak Raj, who was accused in the F.I.R (P-1) gave findings on 10.11.2012 that the brother of the petitioner namely Amarjit took Rs.2 lacs from Tilak Raj on 10.11.2012 along with his passport in the house of one Mohan Lal, whereas the incident of fighting between Tilak Raj and Amarjit was happened on 19.02.2012 when F.I.R (P-1) was registered against Tilak Raj. Therefore, the finding recorded by the police is wrong. The report is dated 29.04.2013 (P-6-A). Further the police implicated the petitioner and his brother on an application filed by Tilak Raj and registered F.I.R No. 204 dated 11.07.2013 (P-7). Further on appeal filed before the Appellate Authority as the Commissioner of Police has not provided the information. Vide letter dated 24.09.2013, respondent No. 3 stated that the information cannot be supplied within the parameters of RTI Act (P-8). Against this order, the petitioner filed a complaint before SIC for non-supply of information (P-9), which is still pending. Thereafter, F.I.R No. 321 dated 28.10.2013 was registered under Sections 452/323/148/149/354/427 IPC against the son, nephews and brother of petitioner. The petitioner was again called and his statement was recorded in which he has levelled allegations against respondent Nos. 4 to 6 but no action has been taken till date. The representations are also given to that effect dated 02.11.2013 and 07.11.2013 (P-11 and 12). Earlier also the petitioner filed CRM-M-41595 of 2013, which was got dismissed as withdrawn on 06.12.2013 to file a fresh one.

On notice, a reply dated 25.06.2014 has been filed by ADCP,

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City-II, Jalandhar wherein it has been submitted that F.I.R No. 54 dated 19.03.2012 was registered on the basis of statement given by Amarjit Thaper brother of Madan Lal Thaper against Tilak Raj and Balbir Chand. The investigation is completed and the same is pending trial in the Court.

F.I.R No. 204 dated 11.07.2013 was got registered by Tilak Raj against Amarjit Thaper brother of petitioner alleging that he had committed cheating and fraud with him and took Rs.2 lacs for sending him to Italy. Incharge E.O Wingham had conducted in the enquiry and recommended that offence under Section 406/420 IPC was made out. The enquiry was conducted under the supervision of Balwinder Iqbal. The petitioner was found innocent during enquiry. Another enquiry on the said complaint was got conducted by ADCP, Jalandhar and F.I.R No. 204 was registered against Amarjit Thaper. Investigation of this case is complete and the final report has also been submitted in the Court on 29.04.2014.

A cross version i.e F.I.R No. 321 dated 28.10.2013 was registered. In the main case, the petitioner gave a representation to the Commissioner of Police regarding the innocence of his son Sandeep and other co-accused. The representation was inquired into along with the representation made by the second party namely Dharam Pal. After conducting the enquiry, Akshay was found to be innocent. After completion of investigation, the final report will be submitted in the Court.

Learned State counsel on instructions from HC Baldev Singh states that in the present case, investigation is complete and challan is likely

to be presented in the Court.

In view of the detailed reply filed in the present petition, no further orders are required be passed as the matter was thoroughly inquired into by the police.

The petition stands disposed of.

19.01.2015

G.Arora

(RITU BAHRI)
JUDGE