

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

CRM-M No.44503 of 2014

Date of Decision: 17.12.2015.

NARANG SINGH

. . . Petitioner

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Yogesh Goel, Advocate
along with petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

Mr. J.S. Toor, A.P.P. U.T., Chandigarh.

M.M.S. Bedi, J. (Oral)

The petitioner seeks protection of life and liberty for him and his daughter apprehending threat at the instance of Mohan Singh, besides a direction to SSP, Chandigarh to hold *de novo* inquiry on complaint Annexure P-1.

On instructions from SI Ram Niwas, it has been informed by the counsel for State of Punjab that neither there is any complaint received from Mohan Singh against the petitioner nor the petitioner or his daughter are required by them for any purpose.

So far as the first prayer for protection is concerned, the same has rendered infructuous. However, in the interest of justice, it is ordered that in case the petitioner, who is a retired Judicial Officer, or his daughter, is required on any complaint of Mohan Singh, by the police of Police Station, Dera Bassi (Mohali) a notice of one week will be issued to them in order to enable the petitioner to avail any legal remedy available to him.

The second relief sought in the present petition is for issuance of a direction to the Senior Superintendent of Police, Chandigarh, to hold *de-novo* inquiry on the basis of complaint dated 19.03.2010 filed by one Ravinder Pal Singh. It is claimed by the petitioner that Mohan Singh and his brothers had demolished the ancestral house of petitioner in the month of November 2011 and an FIR No.7 dated 21.01.2012, under Sections 448, 511, 506, 342, 380 IPC was registered at Police Station Dera Bassi and that Mohan Singh is using his influence to withdraw the said complaint. However, criminal proceedings are still pending.

Learned counsel for the petitioner, has drawn my attention towards a complaint Annexure-P1 which was submitted by Ravinder Pal Singh against Mohan Singh claiming that Mohan Singh had obtained a licence in the name and style of M/s Mundra Weighing Group on the basis of fake documents. The petitioner claims that the said complaint was found to be false vide report dated 19.05.2010 (Annexure P-2).

The petitioner present in the Court says that on the basis of report Annexure P-2 filed on the basis of inquiry in the complaint of Ravinder Pal Singh, the Investigating Officer has made remarks that the petitioner was responsible for false complaint. On the basis of that report, a suit for damages has been filed by Mohan Singh against the petitioner.

The petitioner intends to say that in the inquiry report on the complaint of Ravinder Pal Singh, remarks have been made qua him resulting into filing of a civil suit against him and the petitioner will have to seek expunction of remarks and to defend the case filed by Mohan Singh against him on the basis of said remarks.

After going through the complaint dated 19.03.2010 and the report of inquiry prepared by the police authorities, I do not find any ground to issue any direction to the SSP, Chandigarh for registration of FIR at the instance of the petitioner. This Court is of the opinion that in a complaint filed by Ravinder Pal Singh, petitioner has no locus-standi to seek *de-novo* inquiry. Under Section 482 Cr.P.C. it will not be appropriate to issue direction for *de-novo* inquiry on the complaint of Ravinder Pal Singh, who is not a party to this petition. However, it is observed that any remarks or observations made by police official on the basis of statement of Mohan Singh including that Narang Singh retired CJM makes false complaints against him to harass him, will not be considered

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prejudicial to petitioner in any proceedings as any observation made by police during inquiry will not be operative against the petitioner having been made without joining petitioner in the inquiry, for any purpose.

Disposed of with above observations with liberty to petitioner to avail any other legal remedy available to him.

[M.M.S. BEDI]
JUDGE

17.12.2015
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