

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

DATE OF DECISION: APRIL 27, 2015

Parkash

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Roopak Bansal, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, praying for issuance of a writ of mandamus, directing the respondents to supply the copy of the complaint lodged by respondent Nos.5 and 6 allegedly against him. This apprehension, in the mind of the petitioner, is because he has been called upon to join the enquiry by respondent Nos.4 and 7.

This request of the petitioner in the present writ petition cannot be accepted on the ground that there is no provision under the Code of Criminal Procedure, which entitles him to the copy of the complaint, which has been filed against him with the police authorities.

Counsel for the petitioner has placed reliance upon the judgements of Patna High Court in Dhanpat Singh Vs. Emperor, A.I.R.

1917 Patna 625 as also of the Calcutta High Court in Panchanan Mondal

Vs. The State, 1971 Cri. L.J. 875 to support his contention that even prior to registration of an FIR, if a complaint is filed, the accused would be entitled to the copy of the same.

The judgements, which have been relied upon by counsel for the petitioner, were totally in different facts and circumstances. In the case of Panchanan Mondal (supra), the copy of the FIR was not being supplied to the petitioner and was rather denied by a specific order. There the Court, while relying upon various provisions as contained in the Code of Criminal Procedure, the Indian Evidence Act and the High Court Rules and Order, come to a conclusion that the accused was entitled to the said benefit. In the case of Dhanpat Singh (supra) as well, the position was almost same as there again the copy of the FIR was not being supplied to the accused. There can be no dispute with regard to the proposition as has been laid down in Panchanan Mondal's case (supra) and Dhanpat Singh's case (supra), on which reliance has been placed by counsel for the petitioner to contend that an accused is entitled to the copy of the FIR, provided the same has been registered. In the present case, it has been admitted by counsel for the petitioner that till date there is no FIR registered against the petitioner and there are only complaints, which are being looked into by the police authorities. The law, in any case, is clear in this regard that if the complaint discloses commission of cognizable offence, the First Information Report is bound to be registered by the investigating agency at the very outset and thereafter to proceed further in accordance with law. It appears that since the FIR has yet not been registered, probably there is no cognizable offence disclosed in the said complaints.

Finding no merit in the present writ petition, the same,
therefore, stands dismissed.

**April 27, 2015
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**