

CWP No.9147 of 2015

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

CWP No.9147 of 2015

Date of Decision: May 11, 2015

Babu Lal Chauhan

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashok Kaushik, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner has approached this Court praying for quashing of the order dated 12.01.2015 (Annexure P-2) passed by the Lokayukta, Haryana, whereby the complaint of the petitioner stands dismissed on the ground that the Competent Authority has already taken the appropriate action against the erring official and has imposed a punishment of stoppage of one future increment with cumulative effect.

It is the contention of the counsel for the petitioner that after the investigation of the matter, the cancellation report has been submitted to the Court and on that basis, it has been concluded that respondent No.5 ASI Rajbir singh has lodged a false FIR against the petitioner as no cognizable offence was made out. He further contends that the finding that an offence under Section 323 of IPC is

made out against the petitioner also cannot be sustained and this has been internationally done with an intention to avoid proceedings under Section 182 Cr.P.C. A prayer has also been made that the punishment imposed upon respondent No.5 ASI Rajbir Singh is not in consonance with the misconduct attributed and findings recorded against him in the enquiry and therefore, the said punishment should also be increased.

This contention as has been raised by the counsel for the petitioner cannot be accepted as in the impugned order, the Lokayukta, Haryana, has taken into consideration all the relevant facts and factors while coming to the conclusion that the punishment as has been imposed upon respondent No.5 ASI Rajbir Singh leaves no manner of doubt that appropriate action has been taken against him. In this writ petition also, the prayer of the petitioner cannot be accepted with regard to enhancement of punishment qua respondent No.5, especially, in the light of the fact that the Competent Authority, on the basis of the investigation, has considered the same and passed appropriate orders which cannot be faulted with in the present proceedings.

The grievance of the petitioner with regard to the factum that Section 323 of the IPC is not made out against the petitioner as per the investigation report submitted to the Magistrate while recommending the cancellation of an FIR registered against him also cannot be gone into by this Court in the present proceedings as these are all matters of evidence to be lead by the respective parties

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which cannot be gone into by the Court in exercise of its writ jurisdiction.

The writ petition, therefore, being without any merit, stands dismissed.

May 11, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**