

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-12704 of 2016

Date of Decision: 24.10.2016

Gurmit Singh

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sumeet Abrol, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Gulzar Mohd., Advocate
for respondent no.7.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 482 CrPC is for issuance of direction to the official respondents to conduct a proper and fair investigation in FIR No.118 dated 13.12.2015 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Daresi, District Ludhiana.

Learned counsel for the petitioner submits that the enquiry into the matter has not been conducted fairly and the same be handed over to some senior officer.

Reply by way of affidavit of Amandeep Singh Brar, PPS,

Assistant Commissioner of Police (Central), Ludhiana, on behalf of

respondents no.1 to 6, has already been filed. Para 2 of the preliminary submissions reads as under:-

“2. That on the said complaint of the petitioner, preliminary enquiry was conducted by the then ACP (Central), Ludhiana, during which it was revealed that after receiving the said amount of Rs.14.00 Lac from the petitioner, respondent no.7 had given a receipt on the letter pad of one firm namely S.S. Oswal and the said receipt was signed by one Yashdeep Jain as a Proprietor of S.S. Oswal. However, during the enquiry, it was revealed that there is no firm existing at the said address in the name of S.S. Oswal and in order to cheat the petitioner, the said Ajay Shukla and Yashdeep Jain had hatched a criminal conspiracy and prepared a fake receipt on the letter pad of a firm which does not exist. Accordingly, the above noted FIR was registered against Ajay Shukla (respondent no.7) and Yashdeep Jain.”

In para 3 of the preliminary submissions, it is stated that after registration of the FIR, respondent no.7 namely Ajay Shukla son of Jagdamba Parshad, resident of 212/27/3300, Street No.2-A, Mohinder Nagar, Lohara, District Ludhiana had moved an application claiming himself to be innocent. An enquiry was conducted on the said application, by SHO and it was revealed that respondent no.7 had been working as a Salesman in the firm of his co-accused and in fact, the present petitioner, who is a hosiery businessman, contacted respondent no.7 for supply of machine and accordingly, respondent no.7 had shown sample to the petitioner and he selected the same. Whatever amount was collected by respondent no.7 from the petitioner, the same was handed over to his employer Yashdeep Jain and therefore, the offence has been committed by

Yashdeep Jain and not by the petitioner. In this background, respondent no.7 was found innocent.

Vide separate affidavit dated 22.10.2016 of Amandeep Singh Brar, PPS, Assistant Commissioner of Police (Central), Ludhiana, report which was prepared on the application submitted by respondent no.7, has been attached. In the concluding para/recommendation of the said report, it has been specifically stated that the applicant Ajay Shukla (respondent no.7) has been found innocent in the present FIR.

Plea of the petitioner that the enquiry so conducted is not a fair one and the same should have been handed over to some senior officer, cannot be accepted. On the basis of the aforesaid report, if cancellation report is submitted by the police, the petitioner has remedy available under the law against the same.

In view of above, no further cause of action survives for the petitioner, as the limited prayer made by him for proper and fair investigation has duly been met.

The petition is disposed of.

October 24, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No