

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-41205 of 2016

Date of Decision: November 18, 2016

Sukhwinder Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

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

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Present:- Mr. A.S. Khinda, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioner claims that in place of Balwinder Kaur her sister Parminder Kaur had appeared in the board examination and after inquiry into the complaint, Unfair Means Committee branch of Punjab School Education Board had cancelled the papers debarring her from appearing the next six consecutive examinations and no certificate has been issued to Balwinder Kaur and Parminder Kaur by the Education Department. The complaint filed by the petitioner was consigned to the record room vide order annexure P-2 dated November 3, 2014. Petitioner submitted an application to DIG, Jalandhar Range, annexure P-3 on January 15, 2015 and

similar application before the DGP, Punjab but no action has been taken.

Petitioner claims that he being a lamberdar had a duty to inform the police.

Since no action has been taken by the DIG Jalandhar Range and DGP despite representations annexure P-3 and P-4 against the above said girls, the petitioner has approached this Court invoking the inherent jurisdiction.

I have heard counsel for the petitioner. On asking of the Court, it has been informed that the result of Balwinder Kaur for 10th class has already been cancelled. The petitioner has not been able to explain as to how any wrongful loss has been caused to him or he is prejudiced by the act of Balwinder Kaur.

Counsel for the petitioner submits that every citizen has got a right in the interest of maintenance of proper law and order situation to launch prosecution against any person who indulges in corrupt practices.

I have considered the said contention of counsel for the petitioner and considered the circumstances reflected from the file. It is an admitted fact that the result of Balwinder Kaur has already been cancelled and punishment has been imposed upon her for not appearing in six consecutive examinations conducted by the Board. Balwinder Kaur does not appear to have, on the basis of fake document, persuaded the petitioner or any other authority to get any benefit. There does not appear to have any wrongful loss to the petitioner with simultaneous wrongful gain by Balwinder Kaur. The locus standi for launching prosecution is certainly a

debatable issue at this stage. I do not find it a fit case in which jurisdiction of this Court under Section 482 Cr.P.C. should be exercised with the objective to enable the petitioner to settle some personal scores on account of his vindictiveness with the girls who have already been penalized for their misconduct.

Dismissed without prejudice to the rights of the petitioner to avail any other remedy available to him in accordance with law.

November 18, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.