

235 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.40930 of 2014  
Date of decision: July 21, 2016

Karnail Singh

...Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: None for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab.

Mr. N.S. Chahal, Advocate for  
Mr. J.S. Brar, Advocate  
for respondents No.3, 6 and 7.

JASPAL SINGH, J.(ORAL)

This is a petition preferred under Section 482 Cr.P.C by Karnail Singh for issuance of direction to respondent No.2 to register FIR against the private respondents and to investigate the matter in an independent and impartial manner.

In pursuance to notice of motion issued by this Court, reply by way of an affidavit of Jaswant Singh, PPS, DSP(D)/Officiating DSP (Sub Division), Sri Muktsar Sahib on behalf of respondents No.1 and 2 was filed.

The relevant paragraph i.e. preliminary submission No.1 of the reply is relevant for the disposal of the instant petition which reads as under:

*That the petitioner has filed the present writ petition on the basis of false grounds with some ulterior motive by falsely roping the answering respondents in the present false litigation. The petitioner has never reported any alleged matter before the local police against the private respondents rather he has narrated false story regarding non-registering of his complaints by the police.*

*It is pertinent to mention here that the application No.904PC4/03 dated 24.12.2003 filed by the petitioner against Gamdoor Singh son of Chand Singh and Balbir Singh Ex Sarpanch residents of Village Giljewala, etc. was received in the office of SSP Sri Muktsar Sahib from the office of ADGP, Punjab, Chandigarh, for taking legal action. The inquiry of this application was conducted by DSP (Head Quarter) Sri Muktsar Sahib and during inquiry, the allegations levelled in the application were found to be false and no truth was found in the same and accordingly the reply of this application alongwith the Inquiry Report was duly sent to ADGP, Punjab Chandigarh on 30.04.2004 but it is worthy to mention here that the said record pertaining to the above detailed application is not since available with the answering respondents because vide letter No.4079/A dated 24.07.2009 sent by Incharge, P.C. Branch, DPO Sri Muktsar Sahib to SSP Sri Muktsar Sahib the Old record pertaining to any such application for the year 2000 to 2004 was requested to be destroyed so called "Talaf" as per law and rules of the police department. This application was forwarded by SSP Sri Muktsar Sahib to SP(H) Sri Muktsar Sahib for necessary action and SP(H) Sri Muktsar Sahib further directed the DSP (Head Quarter) to destroy the record of the replies which have been filed or consigned to record room, under the supervision of DSP (Head Quarter) Sri Muktsar Sahib and the cases which are pending in the courts, that record be retained. Accordingly, on 16.02.2010, the record regarding such applications from 01.01.2004 to 31.12.2004 was destroyed under the supervision of DSP (Head Quarter) Sri Muktsar Sahib and record of 60 applications was remained pending the matter regarding which was pending before the courts. As such the record regarding the applications of the petitioner has been destroyed in compliance of the above said orders. Another application No.13PC/5-1-2005) filed by the petitioner against Jarnail Singh resident of Village Sotha, Raj and Gurcharan Singh sons of Kulwant Singh residents of Village Jangi Rana was received in the office*

*of SSP Sri Muktsar Sahib from the office of ADGP, Crime Punjab, Chandigarh. The inquiry of the same was marked by SP(H) Sri Muktsar Sahib to DSP, Sri Muktsar Sahib and during inquiry the allegations levelled in this application were found to be false and the reply of this application alongwith the inquiry report was sent to the ADGP (Crime), Punjab, Chandigarh and the application was consigned to record room.*

*Moreover, as alleged in the petition, the orders of the Id. Courts (Annexure P1 and Annexure P2) are not within the knowledge of the answering respondents. So the present writ petition is liable to be dismissed on these grounds.*

A perusal of the aforesaid paragraph transpires that inquiry into the allegations levelled in the application was conducted by DSP, Sri Muktsar Sahib and the allegations levelled therein were found to be false. Inquiry report was sent to ADGP (Crime), Punjab, Chandigarh and after consideration thereof, the said application was consigned to record room.

Apart from the aforesaid facts, a regular complaint under Sections 302/34 IPC and 149 and Sections 447/448/435 of IPC was filed by petitioner but that complaint was dismissed by the Additional Chief Judicial Magistrate, Sri Muktsar Sahib vide order dated 22<sup>nd</sup> May, 2012 (Annexure P-1). Not only this, even petitioner-Karnail Singh preferred *CRR No.107* of 02.07.2012, challenging the aforesaid order dated 22<sup>nd</sup> May, 2012 but that revision was also dismissed by learned Additional Sessions Judge, Sri Muktsar Sahib vide order dated 26<sup>th</sup> May, 2014.

In view of the aforesaid un rebutted facts, the instant petition has rendered infructuous and the same is dismissed.

However, petitioner shall be at liberty to have recourse to other remedies available to him under the law.

**July 21, 2016**  
*m. sharma*

**(JASPAL SINGH)**  
**JUDGE**