

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

CWP No.11354 of 2014 (O&M)
Date of decision: 03.03.2016

Kashmira Singh

.... Petitioner

versus

State of Punjab & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Rajinder S.Rana, Advocate for
Mr. Gurmeet S. Guri, Advocate
for the petitioner.

Mr. B.M.Vinayak, DAG, Punjab.

Mr. A.S.Syan, Advocate for respondent No.6.

Mr. Animesh Sharma, Advocate for respondent No.7.

Rajesh Bindal, J

The petitioner approached this Court inter alia with a prayer to transfer the investigation to an independent agency such as Crime Branch, Vigilance Bureau for fair and proper investigation in FIR No.64 dated 28.01.2001 registered under Sections 420, 467, 452, 471 IPC at Police Station Kotwali, Distt. Patiala as according to the petitioner, no proceeding has been initiated by the police officials. Further prayer was also made to submit challan in the Court.

In reply filed by respondents No.1 to 4 dated 11.09.2014, it has been stated that after investigation, the cancellation report was submitted in Court on 14.06.2001. The petitioner being a complainant appeared on 19.02.2004 and stated that he does not want to proceed with the complaint. He was identified by his counsel. In view of the statement made by the petitioner, the Magistrate accepted the cancellation report vide order dated 19.02.2004.

Learned counsel for respondent No.7 submitted that a complaint was made by respondent No.7, on the basis of which FIR No.77 dated 31.01.2001 under Section 420, 467, 468, 471 and 120-B IPC was registered against the petitioner in which the petitioner and his brother Tejinder Singh @ Teji were convicted by the Judicial Magistrate Ist Class vide judgment dated 16.03.2007. It has been stated that aforesaid fact was concealed by the petitioner from this Court. Despite the fact that the reply was filed in September, 2014, the petitioner has not controverted the facts stated therein by filing any replication. Rather he has changed the counsel.

Keeping in view the aforesaid facts, once the petitioner has not disclosed material facts in the petition filed by him, the present petition deserves to be dismissed. Ordered accordingly. He is further burdened with costs of ₹ 10,000/- to be paid to the State and ₹ 10,000/- each to be paid to respondents No.6 & 7. He is directed to pay the costs within a period of two months from today and intimation be sent in the Registry in this regard, failing which, matter be listed before the Court.

03.03.2016
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(Rajesh Bindal)
Judge