

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12654 of 2016
Date of decision: 21.07.2016

Ishwar Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. Arvind Seth, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present writ petition is directed only against the show cause notice dated 27.05.2016 (Annexure P-1) issued by the competent authority.

Learned senior counsel for the petitioner submits that so far as the FIR is concerned, petitioner has already approached this Court by filing a petition under Section 482 Cr.P.C. for quashing the said FIR. He further submits that vide order dated 02.06.2016, this Court has already issued notice of motion in CRM-M No.20000 of 2016 and has sought the status report for 27.07.2016. He also submits that if the petitioner will have to file his reply to the impugned show cause notice, he will have to disclose his defence which would cause serious prejudice to the petitioner. He prays for setting aside the impugned show cause notice, by allowing the present writ petition.

After hearing the learned senior counsel for the petitioner at considerable length, careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, including the impugned show

cause notice (Annexure P-1), this Court is of the considered opinion that present writ petition is without any merit and the same is liable to be dismissed.

It is a matter of record that FIR No.221 dated 28.04.2016 under Sections 420, 467, 468, 471 IPC has been registered against the petitioner. Allegations levelled against the petitioner under Section 420 IPC would also involve moral turpitude, which would certainly embarrass the petitioner, while working as Sarpanch. It is also not in dispute that no adverse order has been passed against the petitioner so far. Referring to the abovesaid FIR being faced by the petitioner, only a show cause notice (Annexure P-1) has been issued by the competent authority, granting an opportunity to the petitioner to file his reply. Instead of filing his reply to the show cause notice, petitioner has rushed to this Court by way of present writ petition.

At this stage, learned senior counsel submits that although reply to the show cause notice has already been filed by the petitioner but more documents are being sought from him by the respondent authorities before passing any order against him. Be that as it may, there is no denying the fact that abovesaid FIR has already been registered against the petitioner. One of the allegations against the petitioner is under Section 420 IPC involving moral turpitude, which will certainly cause embarrassment for the petitioner, while performing his duties as Sarpanch.

In such a situation, Deputy Commissioner, Karnal-respondent No.2 has committed no illegality, while issuing impugned show cause notice to the petitioner. The action, if any, is being taken against the petitioner strictly in accordance with law. Opportunity of hearing is being offered to the petitioner by filing his reply and appearing before the competent authority. If the petitioner

does not wish to avail that opportunity of being heard and filing reply, it would be his own choice. However, he would not be permitted to turn around and say at a later stage that he was not granted opportunity of being heard.

Since the respondent authorities are proceeding strictly in accordance with law, there is no scope of causing any prejudice to the petitioner, as sought to be argued by learned senior counsel. The matter arising out of the abovesaid FIR is under investigation, which meets the requirement of law for issuing the impugned show cause notice and the same has been rightly issued.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

21.07.2016
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