

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.601 of 2013
Date of Decision:-4.4.2016.

Partibha

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. N.C. Kinra, Advocate for the petitioner.

Mr. R.D. Sharma, DAG, Haryana.

Mr. S.K. Sharma, Advocate for
respondent Nos.9 and 10.

SURYA KANT, J. (ORAL)

1.) The petitioner appears to have initiated multiple criminal cases and other litigation against respondent Nos.9 and 10 who are husband and wife and are employed in the Police and Education Departments, respectively. The petitioner is also serving as a Sanskrit Teacher in the Education Department.

2.) It is not necessary for us to refer to the history or outcome of the cases which the petitioner or respondent Nos.9 and 10 have fastened against each other in the past. Suffice it to notice that in the instant writ petition, the petitioner seeks a direction for registration of FIR against the above named respondents under the Prevention of Corruption Act, 1988 as

well as to initiate disciplinary action against them under the Rules, for possession of the assets disproportionate to the known sources of their income.

3.) Such like questions cannot be effectively determined by this Court in exercise of its writ jurisdiction as the formation of *prima facie* opinion also requires scrutiny of the relevant material. Further, it would not be expedient for this Court to form any *prima facie* opinion as it is likely to cause prejudice to either of the party.

4.) We have no reasons to doubt that the Lokayukta under the Haryana Lokayukta Act, 2002 has got ample powers to hold a fact-finding inquiry into the issues raised in this petition and make suitable recommendations to the State Government in accordance with law. We, thus, dispose of this writ petition without expressing any views on merits, with liberty to the petitioner to put up complete set of these writ proceedings as her 'complaint' before the Lokayukta, Haryana who may consider the same and proceed further in accordance with law and the principles of natural justice. Needless to say that the petitioner or the private respondents shall be at liberty to submit their respective additional claim and counter claims before the Lokayukta.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

April 4, 2016.

sandeep sethi