

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

CRM No. M-26540 of 2014.

Date of Decision: 15.02.2017.

Jaswinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. H.P.S. Ghuman, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.

Mr. Mahesh Dheer, Advocate,
for respondent Nos. 5 & 6.

JITENDRA CHAUHAN.J.

This is a petition under Section 482 Cr.P.C for quashing order dated 23.05.2014 (Annexure P-9) passed by Senior Superintendent of Police, Patiala vide which the report forwarded by Deputy Superintendent of Police, Nabha was accepted and the complaint filed by the petitioner for initiating proceedings under Section 182 IPC against his brother Dharam Singh and sister-in-law Jaswinder Kaur, was ordered to be filed.

It is contended that mother of the petitioner and respondent No.5 had set up a factory for making handmade papers at Bhadson. She had authorised the petitioner to look after the affairs of the factory on her behalf. A civil as well as criminal litigation was

going on between the petitioner and his mother on one side and

respondent No.5 on the other side. On 18.12.2013 a false complaint was moved by respondent No.5 against the petitioner with the allegations that the petitioner had committed theft in the said factory. The matter was enquired into and the allegations were found to be false vide Inquiry Report, Annexure P-7.

Thereafter, the petitioner moved an application before Senior Superintendent of Police, Patiala to proceed against respondent No.5 under Section 182 IPC however, the said application was ordered to be filed vide order dated 27.06.2014, Annexure P-9.

It is contended that the impugned order, Annexure P-9, passed by respondent No.2 is illegal. Learned counsel refers to Section 182 IPC and particularly to illustration (c) to contend that if a person uses the lawful power of a public servant to the annoyance of others, he is said to have given false information.

Heard.

The relevant portion of impugned order, Annexure P-9 is reproduced as under:-

“From inquiry it has been found that Dharam Singh son of Kartar Singh resident of Bhadson had given a complaint No.1056/5D dated 18.12.2013 concerning theft in his paper industry against unknown persons, which has been inquired into by S.I. Surjit Singh and from inquiry the complaint has been found false. If in

the complaint No.1106/5D dated 18.12.2013, Dharam Singh had made Jaswinder Singh as party and if the complaint had been found false, then the action could have been taken against Dharam Singh under Section 182 IPC. There has been found no truth on enquiry into the attached application and the same is recommended to be filed.”

It reveals that the complaint moved by Dharam Singh was against unknown persons. Admittedly, the petitioner was not named in the complaint moved by respondent No.5. Even if the petitioner was summoned by the authorities during the investigation in the complaint, the same cannot be said to have caused harm to the petitioner. Finding no substance in the complaint moved by Dharam Singh, the same was ordered to be filed. This Court feels that there was no loss, annoyance or prejudice was caused to the petitioner. The application moved by the petitioner for taking action against Dharam Singh under Section 182 IPC has been rightly dismissed. This being so, the present petition is dismissed.

15.02.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No