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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37592-2017

Date of decision : 07.10.2017

Satnam Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. M.S. Bhullar, Advocate,
for the petitioner.

AMIT RAWAL, J. (ORAL)

1. The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for issuance of a direction to respondent Nos.3 and 4 to register an FIR against respondent Nos.5 and 6 on account of misappropriation/embezzlement of funds released under MGNREGA Scheme of Gram Panchayat Mahalam and further issuance of a direction to respondent Nos.1 and 2 to take appropriate administrative action against respondent Nos.5 and 6 for committing the embezzlement with the public funds while performing their duties as public servants.

2. Learned counsel for the petitioner submits that in pursuance to the complaint made by the petitioner, the Joint Development Commissioner-cum-Commissioner, MGNREGA, Mohali, had marked the inquiry to the Additional Deputy Commissioner (D)-cum-Additional District Project Coordinator, MGNREGA, Ferozepur/respondent No.2, who submitted his report dated 07.04.2017, *prima facie* finding the case of embezzlement at

the hands of the persons referred thereto. In this regard, he had already made a representation dated 27.09.2017 (Annexure P-2) to the Senior Superintendent of Police, Ferozepur.

3. Keeping in view the facts and circumstances of the case, I am of the view that the relief sought in the present petition for taking action against the alleged erring officials is premature as the representation has only been submitted on 27.09.2017, whereas the present petition has been filed on 04.10.2017, much less, no information, which ought to have been taken under the Right to Information Act, has been placed on record to show the consequential effect of the inquiry report.

4. At this stage, learned counsel for the petitioner seeks liberty of this Court to withdraw the present petition with the liberty to take recourse to the remedies in accordance with law.

5. Ordered accordingly.

07.10.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**Whether speaking/reasoned **Yes/ No**Whether Reportable **Yes/ No**