

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38449-2016 (O&M)

Date of decision: 17.07.2017

Raghubir Singh

.....Petitioner

versus

State of Punjab and others

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Surinder Garg, Advocate for the petitioner
Mr.C.L.Pawar, Senior Deputy Advocate General, Punjab
Ms.Anjali Khosla, Advocate for the respondent no.6
Mr.T.S.Sidhu, Advocate for the applicant/ respondent no.7

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

CRM 21199-2017

District Food & Supplies Controller-cum-District Manager, Punjab grains Procurement Corporation Limited (Pungrain) being complainant has prayed to be added as party. Since, he is the complainant, he is ordered to be heard. CRM is allowed and applicant is allowed to be impleaded as respondent no.7. Amended memo of parties is taken on record.

CRM-M-38449-2016 (O&M)

Reply has been filed by the State. The perusal of the file shows that the petitioner who appears to be social worker/ an activist has filed the present petition for directing the respondent nos.1 and 2 i.e. State of Punjab and Director General of Police, Punjab to conduct the investigation into FIR no.134 dated 15.11.2011 under Sections 406, 420 IPC at Police Station Gidderbaha from some independent agency, stating that paddy worth more than Rs.four crores has been embezzled by respondent no.6 i.e. Shivangi

Rice Mills Gidderbaha. Learned counsel for the complainant has also pressed for investigation. However, reply of the State shows that police had conducted the investigation into the matter and after considering that the arbitration award dated 7.5.2015 has been passed against respondent no.6 for about more than Rs.one crore and 51 lakhs along with interest, the cancellation report has been presented before Illaqa Magistrate, which is pending for disposal, in which the notice has been issued to the complainant.

I am of the view that the present petitioner being neither the complainant nor the accused has got no locus standi to file the present petition. In fact the petition is in nature of PIL. Therefore, prayer has been made for referring the matter to PIL Bench. The reply of the State shows that in this case, arbitration award has been passed. Police has conducted the investigation and presented the cancellation report. Therefore, if the complainant feels that proper investigation has not been done, the proper remedy for him is to file a protest petition before the Illaqa Magistrate and contest the said proceedings wherein the Illaqa Magistrate is always competent to pass the appropriate order. So far as petitioner is concerned, he has got no locus standi. Therefore, the petition is to otherwise fail.

In view of the above noted discussion, the petition is disposed of with liberty to the complainant/ respondent no.7 to contest the cancellation report before the Illaqa Magistrate by filing the protest petition.

17.07.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No