

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-40924-2016

Date of decision: 02.08.2017

Vijay Goyal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Arjun Lakhanpal, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

None for respondent No. 3.

RAMENDRA JAIN, J. (ORAL)

1. In the instant petition under Section 482 Cr.P.C. prayer has been made by the petitioner for directing respondent No. 2-Commissioner of Police Ludhiana, to hold an independent enquiry into the representation dated 28.09.2016 (Annexure P-20) made by the petitioner regarding tampering of record by N.D. Sharma, in CRR-98 of 2015, pending in the Court of learned Additional Sessions Judge, Ludhiana; how many petitions under Section 156(3) Cr.P.C. have been filed by N.D. Sharma aforesaid; how many persons were made accused in each complaint and how many complaints have been settled by him outside the Courts.

2. Learned counsel for the State on instructions from ASI Baldev Singh submits that final report/challan under Section 173 Cr.P.C. has already been filed against three persons including N.D. Sharma, aforesaid and charges have also been framed by the trial Court against them. Even

accused N.D. Sharma, has filed a revision petition against the charge-sheet

which is pending adjudication before this Court.

3. Considering the overall facts and circumstances of the case and the fact that alleged tampering of the record in CRR-98 of 2015, if any, was done by N.D. Sharma, during the pendency of the same before the learned Additional Sessions Judge, Ludhiana, the petitioner can seek appropriate remedy under Section 340 Cr.P.C. Therefore, the instant petition is dismissed being not maintainable.

4. Regarding the enquiry that as to how many petitions under Section 156(3) Cr.P.C. have been filed by N.D. Sharma aforesaid; how many persons were made accused in each complaint and how many complaints have been settled by him outside the Courts, it is observed that the police authorities cannot be unnecessarily burdened with an uphill task to satisfy the whims and fantasies of the petitioner. It is only the petitioner, who himself should collect the data to the above-stated effect.

5. Hence, the instant petition being frivolous is dismissed.

August 02, 2017

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No