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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-44374 of 2015 (O/M)
Date of decision : 24.8.2017

IFCI Limited and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Narula, Advocate, for the petitioners.

Mr. C.L. Pawar, Senior DAG Punjab.

Mr. Hardeep Singh, Advocate, for respondent No. 4.

Mr. Jainainder Saini, Advocate, for respondents No. 5 and 6.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Heard.

The petitioners have filed present petition under Section 482 Cr.P.C. for issuing directions to official respondents No. 1 to 3 refraining them from causing undue harassment and humiliation to the petitioners and its officers/employees and repeatedly summoning them under the garb of inquiry and the complaints made by respondents No. 4 to 6, so as to misuse the process of the police machinery and also to nullify the proceedings pending before the Debt Recovery Tribunal-I, Chandigarh, under the SARFAESI Act, 2002.

The learned State counsel has stated that nine complaints were filed against the petitioners and that now the matter is pending before the Debt Recovery Tribunal-I, Chandigarh. The matter has also gone to the

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Hon'ble Supreme Court of India. It is undertaken that the petitioners are not to be summoned again.

In the present petition, this Court is not required to record the findings on merit regarding the dispute pending between the parties.

In these circumstances, present petition is disposed of with directions to official respondents that if the petitioners have been summoned in one complaint, the petitioners or its officers/employees will not be summoned in the repeated complaints on the same ground and if at all, the presence of petitioners or its officers/employees is required, they can only be summoned by the police, that too only by issuing notice under Section 160 Cr.P.C., specifying the reasons as to why again their presence is required. The State is also cautioned that under the garb of the inquiry, the petitioners or its officers/employees should not be harassed and made to appear repeatedly before the police as the dispute is pending before the competent tribunal.

(KULDIP SINGH)
JUDGE

24.8.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No