

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

124

COCN No.2170 of 2018

Date of Decision: July 30th, 2018

Bal Krishan

...Petitioner

Versus

Alka Meena and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging violation of the order dated 12.01.2009 passed by this Court in Criminal Miscellaneous No.M-18244 of 2008, wherein in compliance with the order dated 23.07.2008 passed therein, an affidavit was filed by Director General of Police, Punjab, para 1 and 2 whereof have been reproduced in the said order. In the said affidavit, it was observed that instructions have been issued on 01.04.2008 elaborating the procedure to be followed, where inquiries in the criminal cases had to be held. It has further been observed that normally as per the instructions, only one inquiry is required to be held. However, in some cases, in the interest of justice and fair play, to reach the truth, further inquiry may be necessitated either on the directions of the Judicial Court or Human Rights Commission or other statutory bodies or the State. The Inquiry Officer was required to take permission of the Director General of Police, Punjab and the Punjab Government for subsequent inquiry. It is on the basis of this affidavit and the observations of this Court that the petitioner has approached this Court alleging violation of the said order, in which on a

complaint, an inquiry was initiated where a compromise has been entered into between the parties and thereafter, it appears that the complainant has resiled from it and fresh inquiry is being initiated wherein photocopy of the earlier application has again been given resulting in initiation of second inquiry in the matter. Counsel, therefore, contends that the order dated 12.01.2009 passed by this Court as well as the directions of the Director General of Police, Punjab, stand violated.

Having considered the submissions made by learned counsel for the petitioner and keeping in view the observations of the Court, wherein it has been clarified that in violation of the instructions of the Director General of Police, it would not be looked favourably and the concerned person holding the inquiry would be fastened with costs, does not indicate that there has been a direction issued by this Court that there cannot be any subsequent inquiry after an earlier inquiry has been held. This Court, therefore, does not find that the respondents have committed contempt of this Court by initiating a fresh inquiry into the matter on the basis of the same complaint which was initially filed. Therefore, finding no merit in the present contempt petition, the same stands dismissed.

Petitioner, if so advised, may avail of the alternative remedy in accordance with law.

July 30th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No