

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

COCP No. 295 of 2018 (O&M)

Date of Decision: 30.01.2018

Manpreet Singh Dhanju

..... Petitioner

Versus

Parampal Singh, Senior Superintendent of Police-Rural,
District Amritsar Rural and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

Petitioner-Manpreet Singh Dhanju is an NRI having a Canadian Passport, and upon the death of his father on 01.01.2014, he had inherited his ancestral properties including the ancestral house in Village Hamza, P.S, Majitha, District Amritsar. To take care of the properties, he had employed one Major Singh (Masih) son of Gian Singh (Masih) and even permitted to stay in the ancestral house. It is alleged that on refusal of repayment of a loan raised by said Major Singh (Masih) from the petitioner, a dispute has arisen, leading to the said Major Singh (Masih) and his other family members threatening the petitioner from dispossessing from his properties. The said Major Singh is also alleged to have stolen important documents and also caused injuries to him on 05.08.2017. The petitioner had got admitted to Civil Hospital on 06.08.2017 on account of the said injuries and no action was being taken by the police by lodging either an

FIR or even a DDR. The non-action of the police authorities allege to filing of *CRM-M No. 37414 of 2017* by the petitioner under Section 482 CR.P.C. for seeking protection of his life and liberty at the hands of the aforesaid perpetrators. The said petition was dispose of vide order dated 06.10.2017 (**Annexure P-1**) with a direction to the SSP-SHO concerned to look into the representation of the petitioner dated 02.09.2016 (**Annexure P-12**).

Learned counsel for the petitioner has argued that no FIR has been registered and no action has been taken by the police authorities inspite of the directions dated 06.10.2017 (**P-1**) and thereby the respondents SSP-SHO concerned have committed contempt of Court.

After hearing learned counsel for the petitioner, no case for invoking the contempt jurisdiction is made out.

The medico-legal report relied upon by the petitioner and placed on record at **Annexure P-7** reveals that the allegations were of an assault on 05.08.2017 at around 6.00 p.m. by *kick* and *fists* by 6-7 persons. The nature of the injuries as per the extracted report at **P-7 (page-35 of the paper-book)** are abrasions and swelling. Apparently these do not *prima facie* disclose commission of any cognizable offence. The previous order dated 06.10.2017 (**P-1**) had only directed the Superintendent of Police to look into the representation of the petitioner without any direction to register an FIR. Since, the commission of the cognizable offence is not made out, therefore, it is not mandatory for the police to register the FIR. Besides, the order which is allegedly violated never issued any such direction, therefore, non-registration of FIR is not disobedience, hence, the respondents have not defied any directions contained in the order dated

06.10.2017 (P-1).

Dismissed.

January 30, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>