

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

CRM-M-No. 15913 of 2017
Date of Decision:18.07.2018

Surinder KaurPetitioner
Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms.Sarika Gupta, Advocate for the petitioner.

Mr.J.S.Walia, Sr. DAG, Punjab.

SUDHIR MITTAL J. (ORAL)

The petitioner is aggrieved because FIR has not been registered against Head Constable-Joginder Singh on the basis of the enquiry report dated 18.01.2014.

The petitioner is the wife of Head Constable-Joginder Singh. There is a dispute in their matrimonial life resulting in number of cases. Head Constable-Joginder Singh allegedly withdrew a sum of Rs.2,75,000/- from his GP Fund allegedly by fabricating resolution of Panchayat. This led to filing of a complaint by the petitioner against him. An enquiry was conducted thereupon and Head Constable-Joginder Singh was found innocent. Thereafter, the mother of the petitioner submitted another complaint regarding the same incident to the DGP, Punjab, who marked enquiry to SSP Kapurthala. Thereupon, the SSP Kapurthala marked the enquiry to SP (HQ) Kapurthala, who submitted his enquiry report dated 18.01.2014, indicting Head Constable-Joginder Singh. This report was forwarded to SSP Kapurthala who further sent it to DIG Jalandhar. Meanwhile, Head Constable-Joginder Singh sought personal hearing from DIG, Jalandhar and thereafter the said Officer sought clarifications from the enquiry officer. The petitioner and her mother meanwhile approached this Court vide CRM-M-

No.14375 of 2014, for directions to the police to act in accordance with the enquiry report, dated 18.01.2014 and not to carry out any further enquiry. The said petition came to be disposed of vide order dated 09.07.2014, whereby it was ordered that the police authorities would obtain opinion of the DA (Legal) and act in accordance with law. The opinion of the DA (Legal) was sought and he opined that no offence was committed by Head Constable-Joginder Singh and, therefore, there was no requirement of registration of an FIR.

Thus, the case against Head Constable-Joginder Singh was filed.

Reply on behalf of the respondent has been received and according thereto, no further proceedings were taken as the DA(Legal) had opined that there was no case for registration of FIR.

From the facts of this case, it is evident that the petitioner is acting out of a feeling of revenge, as she feels wronged by Head Constable-Joginder Singh, there being a matrimonial dispute existing between them.

The jurisdiction of this Court under Section 482 Cr.P.C. is not meant for settling personal scores. The same is an extraordinary jurisdiction to be exercised only in case any illegality is committed by the State or to ensure that the interest of justice is preserved. This is not the situation in the present case. The competent authorities have conducted enquiries in the matter and have reached the conclusion that there is no case for registration of an FIR against the husband of the petitioner and I see no reason to interfere therewith.

For the aforementioned reasons, the instant petition is dismissed.

(SUDHIR MITTAL)
JUDGE

18.07.2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No