

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19739-2016 (O&M)
Date of Decision:-21.09.2018.

Girraj

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Shiva Khurmi, Advocate for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

Mr. Randhir Singh Hooda, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In this petition, petitioner has sought for quashing of complaint No.27.05.2013 (Annexure P-1), summoning order dated 17.08.2015 (Annexure P-7) and revision order dated 09.12.2015 (Annexure P-9).

2.) Background of the complaint dated 31.1.2013 is that petitioner and complainant were claiming certain issues relating to property which was subject matter of litigation and such proceedings are pending consideration in civil suit which is stated to have been filed on 19.01.2013. In order to harass the petitioner or with vendetta/revenge against the petitioner, respondent-complainant has filed a complaint stating that petitioner while working as a Clerk with the District Red Cross Society has mis-managed the Society's money.

3.) Perusal of the complaint, it is evident that allegations are nothing but in public interest and no interest is involved insofar as complaint-respondent is concerned.

4.) Learned counsel for respondent-complainant submitted that respondent-complainant had deposited certain amount towards District Red Cross Society through the petitioner which is stated to have not been remitted in the District Red Cross Society for the purpose of claiming certain benefits of the respondent-complainant. In this regard, there is no whisper in the complaint. Therefore, complainant in order to scuttle the personal grievance against the petitioner, presented the complaint. It was further pointed out that respondent is entitled to have his *locus standi* insofar as filing complaint with reference to decision passed in **R. Venkatakrishanan Vs. Central Bureau of Investigation 2009 (4) RCR (Criminal) 140 SC** wherein it is held that 3rd party can give complaint. No doubt a person can give complaint under relevant provisions of the Cr.P.C. At the same time, conduct of the complainant is required to be taken into consideration for the purpose of entertaining complaint to the extent that he has personal grudge against the petitioner in respect of particular property as is evident from the suit proceedings which is pending consideration. Moreover, on 20.02.2013, arising out of the allegations stated in the complaint was a subject matter of FIR No.110 dated 20.02.2013, wherein official respondents have filed a cancellation report which was accepted after considering the protest petition. That apart on 1.05.2012, Red Cross Society have issued No Dues Certificate to the petitioner vide Annexure P-10.

maintainable. Consequently, complaint No.27.05.2013 (Annexure P-1), and all consequential orders i.e. summoning order dated 17.08.2015 (Annexure P-7) and revision order dated 09.12.2015 (Annexure P-9) are set aside.

6.) Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

September 21, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.