

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21684-2018 (O&M)

Date of Decision:-21.05.2018.

Ashwani Kumar and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Arjun Veer Sharma, Advocate for the petitioners.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioners have prayed for the following relief:-

“i. Issue a direction to the respondent no.2 & 3 to investigate the Representations (Annexure P-1 and P-2) and FIR No.69 dated 13.05.2018 registered under Section 279/336/427 IPC at Police Station Bhikhiwind, District Tarn Taran, through some independent agency like crime branch or some independent agency, keeping in view facts and circumstances of the present case.

ii. Further, directions may kindly be issued to respondents No.2 and 3 to protect the life and liberty of the petitioners and their family members at the hands of respondents No.5 to 9.”

2.) Both the petitioners and complainant Deepak Kumar were into

incomplete. Consequently, there was a quarrel relating to payment of money. Arising out of these read with the accident of vehicles between the petitioners and the complainant, an FIR has been registered. In this background, petitioners have sought for the aforesaid relief.

3.) Petitioners have not made out a case so as to shift the investigation to some other independent agency like Crime Branch or some other independent agency since petitioners have not submitted any representation or made allegations against the police personnel after filing of FIR to the higher authority. Thus, the present petition is frivolous.

4.) Consequently, petition stands dismissed with cost of ₹ 5,000/-. Cost shall be deposited with the District Legal Services Authority, U.T. Chandigarh.

5.) At this stage, learned counsel for the petitioners further argued that in Annexure P-1 dated 28.4.2018 he has specifically pointed out that what has transpired between the petitioners and the complaint in respect of money transaction for which no action has been taken by the police personnel. The alleged accident took place on 10.05.2018. On the same day, petitioners had submitted representation. Thereafter, FIR was registered on 13.05.2018. Moreover vehicle has been seized by the police. In view of these facts and circumstances, it is necessary to shift the investigation to some other agency as the Investigating Officer is biased.

6.) Having regard to the dates and events like representation dated 28.04.2018 is relating to money transaction between the petitioner and the complainant as on that date, no FIR was pending. FIR was filed with reference to the incident dated 10.05.2015 and 13.05.2018. Further vehicle

is stated to have been seized by the police personnel. In this regard,

petitioners have remedy before the appropriate forum for release of vehicle. After filing of FIR dated 13.05.2018 for any inaction on the part of the police personnel petitioners have not made any representation to higher authority to the extent that complainant and the police personnel are in hand-in-glove etc. In the absence of these materials, present petition cannot be entertained. Therefore, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

May 21, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.