

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

CRM-M-22258-2016
Date of decision: 05.10.2018

Dinesh Kumar and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jeevan Gautam, Advocate for
Mr. S. D. Bansal, Advocate
for the petitioners.

Mr. Sidakmeet Sandhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to the respondents not to harass and humiliate the petitioners by calling them in the office of DSP, Amloh and pressurize them to pay money to respondent Nos. 6 and 7.

It is stated in the petition that respondent Nos. 6 and 7 have already filed a complaint under Section 138 of the Negotiable Instruments Act that is pending adjudication.

Reply, by way of affidavit of Superintendent of Police (Investigation), Fatehgarh Sahib is on record and as per reply, on receiving a complaint against the petitioners, the petitioners were directed by the DSP, Amloh to attend his office by issuing notices/Parbanas dated 30.06.2016, 04.07.2016, 07.07.2016 and 11.07.2016 but the petitioners never attended the office of the DSP, Amloh.

Separate reply, by way of affidavit of respondent No. 3, is also on record wherein it is stated that no police machinery is being misused and he is performing the duties in the capacity of Senior Superintendent of Police, Gurdaspur (earlier posted at Fatehgarh Sahib).

Similar is the affidavit filed by respondent No. 5, wherein it is stated that he is posted as DSP, Fatehgarh Sahib (earlier posted at Amloh) and the petitioners were summoned in connection with an inquiry in complaint No. 608/5C dated 22.06.2016 but the petitioners never appeared in the said inquiry. It is further stated in the affidavit that the Reader of the DSP made a call to the petitioner with a request to join the inquiry, however, the petitioner had sent a medical certificate through his relative. It is also stated that the deponent/police officials have performed their duties lawfully by issuing summons/Parbanas to the petitioners, however, they never attended the office of the DSP.

Separate reply, by way of affidavit of respondent Nos. 6 and 7, is also on record, wherein it is stated that they have filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioners that is pending adjudication before the trial Court.

In view of the affidavits filed by the official respondents as well as private respondents, it is apparent that while conducting an inquiry in pursuance to Complaint No. 608/5C dated 22.06.2016, only notices were issued to the petitioners, who instead of joining the said inquiry, had opted to file the present petition alleging that official respondents are harassing and humiliating the petitioners by calling them in the office. It is, otherwise, duty of the police officials to conduct an inquiry and submit inquiry report

to their senior officers.

Therefore, I find no merit in the present petition and the same is dismissed accordingly.

October 05, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No