

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38802-2018

Date of Decision:-06.09.2018

Sunder and others

... Petitioners

Versus

State of Haryana and others

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepender Singh, Advocate
for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks quashing of notice dated 17.08.2018 (Annexure P-12) issued to him in terms of Sections 160 Criminal Procedure Code whereby he had been directed to appear before D.S.P. Satbir in connection with FIR No.656 dated 01.11.2017 under Section 323, 341, 506, 34 Indian Penal Code, 1860 Police Station Hodal, District Palwal.

The aforesaid FIR in question had been lodged against the petitioners at the instance of HC Kuldeep Singh-respondent No.5 wherein it had been alleged that he had been caused injuries by the petitioners and that they had also snatched gold chain and an amount of ₹20,000/-. The matter was investigated by the police and initially challan was presented against the all four persons under Sections 323, 341, 506, 34 Indian Penal Code, 1860.

Subsequently, however the matter was investigated by DSP (City) Palwal who found that there was infact a partition dispute between two brothers namely Jagdish and Jagbir and the present complainant-HC Kuldeep Singh was taking side of Jagbir while petitioner Jagdish was arrayed on the opposite side and that the allegations pertaining to snatching of gold chain and ₹20,000/- were not correct. Pursuant to the said inquiry report, a report under Sections 173(8) Criminal Procedure Code was filed by the police and consequently offences under Sections 342 and 379-B Indian Penal Code, 1860 were deleted.

Learned counsel has submitted that in fact the petitioners were forced to make disclosure statements pertaining to the snatching of amount of ₹20,000/-. Learned counsel has submitted that once challan has been filed and matter has been investigated by a Officer of the rank of DSP, there was no occassion for the police to call the petitioner in connection with the same case and that it is a case of blatant misuse of power by the police.

Having heard learned counsel for the petitioners, this Court is of the opinion that the jurisdiction of the police to associate any person with an inquiry or to elicit any information and to issue a notice in terms of Section 160 Criminal Procedure Code cannot be curtailed in any manner but at the same time it also needs to be ensured that the accused is not unnecessarily harassed. Needless to mention, in case any information is required to be elicited from accused in connection with a case where challan has already been filed, the police would be required to proceed strictly in accordance with law and in accordance with settled judicial precedents and accused are not be unnecessarily and repeatedly called to the police station.

Since in the present case the complainant himself is a police official and it is on account of the said fact that that the petitioners are nursing apprehensions, the petition is disposed of with a direction to respondent No.2-Superintendent of Police, Palwal to look into the matter and to dispose of representation (Annexure P-11) expeditiously and in case, the allegations made therein are found to be well-founded, then necessary steps warranted under law be taken thereupon at the earliest and it also be ensured that the petitioners are not unnecessarily harassed.

A copy of this order along with copy of representation (Annexure P-11) be sent to respondent No.2-Superintendent of Police, Palwal so as to enable him to do the needful expeditiously, preferably within a period of two months from today.

(GURVINDER SINGH GILL)
JUDGE

06.09.2018
Gaurav Sorot

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