

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41359-2015
Date of decision: 19.02.2018

Sukhdev Singh

...Petitioner

V/s.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. I.S. Parmar, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

SUDIP AHLUWALIA, J. (Oral)

The petitioner had submitted a complaint to the Commissioner of Police, Ludhiana making certain allegations which he contends amounted to offences under Sections 420, 465, 467, 468, 471 and 120-B IPC by the private respondents No. 2 to 4. His grievance is that no FIR was registered, on account of which he approached this Court praying for a direction upon the respondent No. 1 to do the needful in view of the ratio in the case of *Lalita Kumari V/s. Govt. of U.P. (2014) 2 SCC 1*.

The application has been opposed on behalf of the State through the reply sent up by the Assistant Commissioner of Police (Rural-Gill), Ludhiana in which it has been mentioned *inter alia* that after receiving the petitioner's complaint, he himself did not join the enquiry and failed to get his statement recorded, while only private respondent No. 4 appeared and gave his statement on the basis of

which it was determined that the dispute in question “was found to be

civil matter and no police action is required.”

The petitioner in rebuttal has submitted that no notice of any enquiry proceedings was ever sent to him, which submission is controverted on behalf of the State by contending that telephonic intimations to the petitioner were sent, although at this stage it is not practicable to establish that fact documentarily.

Be that as it may, it was incumbent upon the State authorities to determine on the basis of the allegations made in the complaint as to whether or not the same in the first place disclosed any cognizable offence or not only after which, any resort to enquiry could have been made. Now in view of the assertion that no notice of the enquiry proceedings was ever received by the petitioner, at this stage it appears to be a fit case to allow the application with a direction upon respondent No. 1 to examine the petitioner's original complaint (Annexure P-7), to first determine whether the same discloses any cognizable offence or not, and thereafter if so warranted, to call him for participating in the enquiry by verifiable means of service of notice. The needful shall be done by respondent No. 1 within four weeks from the date of communication of this order.

Disposed off.

February 19, 2018
Divyanshi

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No