

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-43901 of 2017.

Decided on:-July 13, 2018.

Rajinder Singh.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.PC is for ordering independent probe and registration of case against private respondent No.5.

Reply by way of affidavit of Satnam Singh, PPS, Deputy Superintendent of Police, Sub-Division City Tarn Taran has already been filed. As per reply, the inquiry was conducted in the case which reveals that the respondent No.5, against whom the petitioner has sought independent probe and registration of the case is living with his family in village Javandpur. He has one XUV vehicle and had obtained loan of Rs.14 lakh. Respondent No.5 is neither manufacturer of any medicine nor does illegal business. The respondent has filed a complete record of his business,

certificate of medicines, bank record, income tax returns to the enquiry officer. Nothing illegal has come on record against him. The relevant part of the reply so submitted reads as under:

“The enquiry reports revealed that respondent No.5 is living with his family in village Javandpur and his shops have been registered on the name of “Akabar Desi Dawakhan” at Khadur Shib, Khilchian, Tangra, Tarsika, Baba Bakala Road by the different employees. He has one XUV vehicles obtained on bank loan Rs.14 lac. Beside it has also came to light that respondent No.5 neither manufacture any medicine nor does illegal business. Respondent No.5 supplied complete record of his business, Certificate of medicines, Bank record, Income Tax returns to the enquiry officer. On perusal of whole record nothing illegal came to light as alleged by the petitioner. It is further submitted that petitioner never appeared before police despite numerous telephone calls and personal visits to prove his version. It is pertinent to mention that respondent No.5 had filed defamation case against the petitioner which is pending in the Ld Court of SDJM-Khadur Sahib. It is also came to light that the petitioner had lent some money from respondent No.5 through cheque payment and on demanding the same the petitioner had submitted above referred complaints for harassment.”

In view of the aforesaid reply and noticing the fact that the police has conducted inquiry in the matter, this Court finds that filing of the present petition is a glaring instance of misuse of process of law and the Court must not encourage such person for such like relief.

Accordingly, this petition is dismissed with costs of Rs.10,000/- which shall be recoverable from the petitioner. Petitioner shall deposit this

amount of Rs.10,000/- with the State Legal Services Authority, Punjab within one month and shall produce the receipt of such deposit with the Registry. Copy of order be sent to the petitioner for compliance.

July 13, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No