

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

CRM-M-6359-2018
Date of decision: 07.09.2018

Sunil

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sanchit Punia, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Ms. Sheenu Sura, Advocate
for respondent No. 3.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to the official respondents to hold a preliminary enquiry on receipt of any complaint from respondent No. 3 before registration of an FIR.

Learned counsel for the petitioner has referred to an enquiry report (Annexure P-1), wherein a number of complaints received from respondent No. 3 were looked into and ultimately they were found to be without any basis. Learned counsel for the petitioner has also referred to a judgment dated 19.05.2015, passed by the Judicial Magistrate First Class, Hisar in a complaint filed by respondent No. 3, wherein while acquitting the petitioner, the trial Court has held that respondent No. 3 has already given more than 60-70 complaints against the petitioner on account of a litigation pending with regard to possession over '*Valecha Bhojnalaya*'. Learned counsel for the petitioner has further relied upon another judgment dated

09.02.2017 (Annexure P-3), passed by the Judicial Magistrate First Class, Hisar, wherein another complaint filed by respondent No. 3 was dismissed and an observation was made by the Court that respondent No. 3 seems to be a court-bird and almost all the complaints filed by him were found to be false in enquiry conducted by the police and even proceedings under Section 182 IPC were initiated against him. It is, thus, submitted on behalf of the petitioner that a direction be issued to official respondents that in case any complaint is submitted by respondent No. 3, before registration of the FIR, a preliminary enquiry be conducted and only thereafter further proceedings be initiated as it amounts to unnecessary harassment to the petitioner.

Reply by way of affidavit of DSP, Law and Order, Hisar is on record, as per which, a number of litigation is pending between the petitioner and respondent No. 3 before the different Courts at Hisar. A perusal of the affidavit further shows that even the police has found that respondent No. 3 is in the habit of giving complaints against the petitioner and the bone of contention between them is a property, which according to the police vests with the Haryana Waqf Board. No reply has been filed on behalf of respondent No. 3.

In view of the above, this petition is being disposed of with a direction to respondent No. 2 – Superintendent of Police, Hisar to issue further direction to SHO of the Police Station concerned that in case any complaint is given by respondent No. 3, a preliminary enquiry be conducted at the first instance and only after joining the petitioner or his neighbours, further action be taken in accordance with law.

It is also clarified that in case respondent No. 3 files a

complaint against any of the police official, who is conducting the enquiry, it will be open for the police official concerned or the petitioner to approach this Court for redressal of their grievance.

September 07, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>