

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**CRM-M-55714-2018 (O&M)
Date of Decision: 18.12.2018**

Abhey Ahuja

.....PETITIONER(s).

VERSUS

State of Punjab and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a petition under Section 482 of Code of Criminal Procedure for issuance of direction to respondents No.2 and 3 to take appropriate legal action on the representation dated 30.10.2018 (Annexure P-9).

Heard.

Earlier the petitioner filed CRM-M-31983-2018 which was disposed of by this Court vide order dated 30.7.2018. The relevant part of the said order reads as under : -

“Accordingly, the present petition is disposed of with a direction to Commissioner of Police, Ludhiana respondents No.2 to consider and decide representation (Annexure P-1) within a period of 90 days from the date of receipt of a

certified copy of this order. He is further directed to submit status report before concerned Chief Judicial Magistrate who will monitor the investigation in accordance with the guidelines laid down by Hon'ble Supreme Court in **Lalita Kumari v. Government of U.P. and others; 2013 (4) RCR (Criminal) 979.**”

In pursuance of the said order, FIR has been registered against the respondents and the investigation is in progress.

This Court has specifically directed the State to submit status report before the concerned Chief Judicial Magistrate who will monitor the investigation in accordance with law and as per guidelines issued by Hon'ble Supreme Court in **Lalita Kumari v. Government of U.P. And others; 2013 (4) RCR (Criminal) 979.**

Instead of approaching the concerned Chief Judicial Magistrate, the petitioner preferred the present petition with a prayer that direction be issued to concerned Commissioner of Police and SHO to take appropriate legal action on representation Annexure P-9 and reminder Annexure P-10.

Counsel for the petitioner further submits that concerned Chief Judicial Magistrate instead of monitoring the investigation had disposed of the application without passing a reasoned order.

To the mind of this Court, the matter is under investigation. Such a petition is certainly an abuse of the process of law and is

dismissed with costs of ₹ 5,000/- which shall be deposited with Punjab
Legal Services Authority.

December 18, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>