

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

**CRM-M No. 10462 of 2018
Date of Decision:-13.02.2019**

Ashwani Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ravinder Sharma, Advocate for
Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Ashwani Kumar has filed this petition under Section 482 Cr.P.C. for issuance of direction to respondent No.2 to take action on his complaints dated 21.2.2018 and 01.3.2018 (Annexures P-2 and P-3 respectively).

As per the version of the complainant/petitioner, on 17.2.2018 when he was watching television, some noise was heard. When he went outside, he saw that an electricity pole uprooted and was broken and Surinder Singh, Resham Kaur and Naresh Kaur were touching the electric wires. The petitioner stopped them from doing so and thus, the said persons responded in an unpleasant manner. According to the petitioner those

persons attacked and caused him injuries.

The status report by way of affidavit of Rajinder Kumar, PPS, Deputy Superintendent of Police, Sub Division, Dasuya, District Hoshiarpur has been filed, wherein it is mentioned that MLR of petitioner was handed over to ASI Gurkirpal Singh on 23.3.2018 for necessary action. On 23.2.2018 the petitioner gave in writing that talk of compromise are in progress and as such he is not willing to give statement. Thereafter on 26.3.2018 he (petitioner) stated that on 17.2.2018, respondent No.4 caused him injuries. As per the MLR only one injury received by the petitioner, which is punishable under Section 323 IPC. Since the offence was non-cognizable, therefore, in that regard DDR No.23 dated 26.3.2018 was entered in Police Station Garhdiwala. The MLR also revealed that petitioner was smelling alcohol. The injury was declared simple. However, a kalandra was filed under Section 107/150 Cr.P.C. against respondent No.4 which stands presented in the Court of the Sub Divisional Magistrate, Dasuya, District Hoshiarpur.

In view of above, since the offence alleged is non-cognizable and the preventive measures have already been taken by the police, no case is made out for issuance of directions to respondent No.2.

The petition is dismissed.

February 13, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No