

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17946-2017 (O&M)
DATE OF DECISION:-26.02.2019

GURJEET SINGH

...PETITIONER...

V.

STATE OF PUNJAB AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. HPS Ghuman, Advocate,
for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Prayer in this petition under Section 482 Cr.P.C. has been made for issuance of direction to official respondents to proceed against the accused persons and others, who have been found involved in tampering with the record of the property of the petitioner in the record of Municipal Council Nabha.

Learned State counsel contends that representation of the petitioner has been filed being unsubstantiated. The matter in dispute between the petitioner and alleged accused is of civil nature. The proper remedy for the petitioner is to approach the civil court, if not satisfied with the action of the police.

Learned counsel for the petitioner contends that learned State counsel is hushing up the matter. The reply filed by the State is not discussing the inquiry report (P-2). He further contends that it was

required for the State to register a case. In support of his contention, he has placed reliance upon the judgment of Hon'ble Supreme Court, titled as ***"Sambhu Das @ Bijoy Das and anr. vs. State of Assam"***, 2010 AIR (SC) 3300.

Learned State counsel refuting the above submissions, contends that said report was not final and after taking the opinion of District Attorney, the same was filed. Therefore, the instant petition has rendered infructuous.

With due respect, this Court would like to add that the Hon'ble Supreme Court had also observed in various judgments that before registration of FIR, the police may conduct preliminary inquiry. Since, in the instant case, after conducting full fledged inquiry, the police has filed representation, this petition is dismissed as having been rendered infructuous, with the observation that the petitioner may, if so advised, seek appropriate remedy, if any, available to him.

26.02.2019

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(RAMENDRA JAIN)
JUDGE**whether speaking/reasoned:****Yes/No****whether reportable:****Yes/No**