

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-2058-2017 (O&M)

Date of decision: 01.03.2019

Gurpreet Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. H.S. Saggu, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. P.S. Ahluwalia, Advocate  
for respondent No.5.

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**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this petition is for issuance of directions to respondent No.2 to consider the prayer of the petitioner as per the report of Superintendent of Police (H) dated 08.08.2016 (Annexure P-1) and to take legal action against respondent No.5.

Counter-affidavit of the petitioner, to the reply on behalf of respondent No.5, filed in the Court today, is taken on record.

The case of the petitioner is that father of the petitioner had given some money to one Smt. Gurdarshan Kaur against a pronote in the year 2014 and she died on 07.02.2016. Thereafter, the petitioner had approached respondent No.5, son of Smt. Gurdarshan Kaur, to return the amount and on

10.03.2016, when he went to the house of Smt. Gurdarshan Kaur, respondent No.5 got enraged and started abusing and verbal conflict escalated, in which respondent No.5 abused the petitioner in the name of his caste. It is further stated in the petition that thereafter, both the sides filed complaints before the Senior Superintendent of Police, Sangrur as well as before Deputy Superintendent of Police, Sub Division, Sangrur and on the basis of the some enquiries, it was recommended to initiate action against respondent No.5, however, no action is taken.

Reply by way of affidavit of Deputy Superintendent of Police, Sub Division, Sangrur is on record, in which it is stated that the matter was duly enquired into and in the enquiry, it was found that complaint has been filed by the petitioner to put pressure on respondent No.5, as he wanted the money to be returned. In the affidavit, details of other enquiries conducted on the various applications are also given and on the basis of these enquiries, on 20.03.2017, it was recommended that the complaint filed by the petitioner be filed and the same was approved by the Senior Superintendent of Police, Sangrur. It is also stated that the petitioner has already filed a civil suit before the Court at Barnala for the recovery of money and since the matter is found of civil nature, no offence under Sections 3/4 of SC&ST Act is made out from the enquiries conducted by the police.

In reply, respondent No.5 has also denied the allegations levelled by the petitioner.

In the counter-affidavit filed in the Court today, the petitioner has challenged the enquiries conducted by the police.

After hearing learned counsel for the parties, I find that the police has duly enquired into the various complaints given by the petitioner, who has also approached the National Commission for Scheduled Castes, Punjab, Chandigarh and found that there is no substance in the complaints given by the petitioner.

Accordingly, this petition is disposed of. However, liberty is granted to the petitioner to approach the Illaqa Magistrate for filing a complaint, in accordance with law, if so advised.

[ ARVIND SINGH SANGWAN ]  
JUDGE

01.03.2019  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |