

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49475-2017 (O&M)

Date of Order:27.08.2019

Atma Singh Samra

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Sushma Chopra, Advocate, for the petitioner.
Mr. SPS Tinna, Addl. A.G., Punjab
Mr. GBS Dhillon, Advocate, for respondents no.5 to 11.

ANIL KSHETARPAL, J(Oral)

Present petition was filed with the following substantive
prayers:-

“It is, therefore, respectfully prayed that the present petition may kindly be allowed and necessary directions may kindly be issued to respondents no.1 to 4 to take necessary action against the respondents no.5 to 11 according to the detailed enquiry report dated 29.11.2017 and 30.11.2017 (Annexure P-11), in which it has been found by the Assistant Commissioner of Police, Cantt. Jalandhar (Enquiry Officer) that respondent No.5 has committed an offence which falls under Sections 420, 494 of Indian Penal Code, but till date no case has been registered against respondent No.5 and others inspite of finding given by the enquiry officer.

It is further prayed that officials respondents may kindly be directed to reconsider the detailed representation dated 04.07.2017 (Annexure P-8), already made by the petitioner to respondent No.2 in which allegations leveled against private respondents in Part (II) and (III) of representation has not be considered by Sh. Surinder Pal singh PPS, Asst. Commissioner of Police, Jalandhar Cantt., the enquiry officer, whereas respondent no.5 herself has admitted in his complaint/statement published in the news paper dated 17.10.2017 that her mother-in-law and her husband went abroad by leaving her at her parental house by locking their house, and the allegations has been duly proved from the statements of neighbour and

residents of the village, where she is illegally residing after trespassing. It is also important to said that the investigating officer has nothing mentioned about the statements got recorded before him by the neighbour of the petitioner and residents of village in which they have specifically stated that respondent no.5 along with others have taken illegal possession of the hosue of the petitioner in his absence when he was in USA. It is also request that the appropriate action against the private respondents who have forcibly, illegally and by way of trespassing entered into the house of the petitioner by breaking locks of the house and took illegal possession of the house of the petitioner in the absence of the petitioner and his family members and at present petitioner has no place to live as the petitioner is living a the mercy of his relatives.”

Notice was issued. State has filed reply and has submitted that as per their enquiry, no cognizable offence is found to have been committed by the alleged accused.

Learned counsel for the respondent has also submitted that a criminal complaint with same allegations have been filed by the petitioner.

Be that as it may, the present petition is disposed of by relegating the petitioner to the remedy of complaint.

August 27, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No