

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

CRM-M-28254-2019 (O&M)

Date of decision: 25.07.2019

Amrinder Singh

...Petitioner

Versus

Union Territory of Chandigarh and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Duhan, Advocate
for the petitioner.

Mr. Rajeev Anand, Addl. P. P., U.T., Chandigarh.

Mr. Dhruv Sihag, Advocate
for respondent Nos. 4 and 5.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed by the petitioner seeking issuance of directions to respondent Nos. 2 and 3 not to lodge false criminal case against him at the behest of respondent Nos. 4 and 5. The first petition bearing CRM-M-14808-2019 was dismissed as withdrawn on 01.04.2019 with liberty to the petitioner to avail the alternative remedy in accordance with law. This petition is filed on receiving a notice from the police to join enquiry.

As per the version of the complainant/respondent Nos. 4 and 5, there was a civil agreement/contract between the parties for the purpose of construction/renovation of a house.

Learned counsel for the petitioner submits that respondent Nos. 4 and 5 had given the complaint to SHO, Police Station Sector 11, Chandigarh, which, according to the petitioner, does not constitute any

offence, it being of civil nature.

In reply, learned counsel for U.T., Chandigarh submits that till date, no FIR has been registered against the petitioner as the enquiry is being conducted on the complaint given by respondent Nos. 4 and 5 and S.H.O. had called the petitioner by issuing a notice.

Learned counsel for respondent Nos. 4 and 5 also makes the similar submissions that the complaint given by them is under enquiry by respondent No. 3.

As stated by learned counsel for the petitioner that even the petitioner has given a similar complaint against respondent Nos. 4 and 5 for conducting enquiry by respondent No. 3.

In view of the same, this petition is disposed of with a direction to respondent No. 3 that if during enquiry (before registration of the FIR, if any), the petitioner is required for any enquiry, he will be given a notice as per Section 160 Cr.P.C.

It is made clear that both the complaints be enquired into by the S.H.O. together and final enquiry report be prepared on consultation with District Attorney, if any offence is made out or not.

25.07.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No