

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

208

CWP No.18608-2015

Date of Decision: February 01, 2019

Suman Chaudhary

.....Petitioner(s)

versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Ms. Satwinder Kaur, Advocate for
Mr. K.S. Sandhu, Advocate for the petitioner.

Mr. Abheypal Singh Gill, AAG, Punjab.

ARUN MONGA , J. (Oral)

The present Writ Petition has been filed, *inter alia*, seeking issuance of Writ in the nature of Mandamus to direct respondent No.3-Commissioner of Police, Ludhiana to register an FIR against Assistant Sub Inspector/respondent No.6, on the ground that the petitioner was wrongly booked for a traffic violation for an alleged incident, which occurred on 21.03.2005.

2. The petitioner states that she is practising Advocate in District Court at Ludhiana. While she was going on a scooter with her husband, ASI Jasmail Singh stopped them and pointed out that her husband was not wearing helmet and asked for bribe. On non-payment of the bribe, the petitioner's husband was booked for allegedly driving on the wrong side. She also contends that the said ASI also booked them for driving a commercial vehicle whereas her husband was driving his personal scooter.

3. Per contra, learned State counsel points out that pursuant to the complaint received from the petitioner, the Commissioner of Police ordered an enquiry into the incident and report thereof has been before this Court vide

Annexure R-1/T.

4. I have gone through the contents of the enquiry report which has been furnished after duly recording statements of petitioner and ASI Jasmail Singh as also SPO Gurcharan Singh; Head Constable Mohan Singh and Head Constable Sohan Singh. Enquiry conducted by Inspector/City Traffic Ludhiana, reveals that ASI had committed inadvertence in recording the vehicle of the petitioner's husband as commercial. Whereas, it ought to have been non-commercial being a personal scooter. It is stated that in the Challan column it was inadvertently mentioned Section 34 instead of Section 43 of Motor Vehicles Act, which led to the allegations to the petitioner that they have been wrongly booked having commercial vehicle. A further finding has given that the allegations of the bribe/hush money were found to be incorrect after recording the statements of the witnesses. Accordingly, the complaint of the petitioner was consigned to the record room.

5. Having gone through the pleadings of the parties as also various Annexures particularly the enquiry report, I am of the opinion that there are no grounds to interfere in the enquiry report as submitted by Inspector City Traffic, Ludhiana.

6. The Writ Petition is accordingly, dismissed.

February 01, 2019
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[ARUN MONGA]
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No