

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 52108 of 2019
Date of Decision: 20.12.2019**

Khushwinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. H.P.S.Ghuman, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of direction to respondents No. 1 to 5 to initiate proceedings under Section 182 IPC against respondent No. 6- Rajinder Singh @ Raju.

As per the case of the petitioner, on his application, FIR No. 28 dated 30.1.2015 was registered under Sections 420, 120-B IPC at P.S. City-1, Abohar against Rajinder Singh @ Raju and Gurpreet Kaur for having obtained money from the petitioner for sending him abroad but neither the petitioner was sent abroad nor the money was returned.

It has been further alleged that after registration of the FIR, respondent No. 6 had moved an application against the petitioner on 17.8.2016 at Sangat Darshan of Chief Minister alleging that he sent the money to the petitioner from Canada through Western Union. The Deputy Superintendent of Police, Abohar inquired into the said complaint wherein it was stated that the petitioner was himself getting photographed with the

ear of the police officer. Regarding this, earlier inquiry was conducted by

Superintendent of Police, Abohar and another by Deputy Superintendent of Police, Abohar. The petitioner informed the inquiry officer i.e. Deputy Superintendent of Police, Abohar on telephone that respondent No. 6 had got registered an FIR No. 7 dated 21.2.2015 under Section 420 IPC at NRI Cell, Moga which had been cancelled. Thereafter the said application was sent to Senior Superintendent of Police, Moga.

It is argued by the learned counsel for the petitioner that a representation dated 1.11.2018 was moved by the petitioner to Senior Superintendent of Police, Fazilka for taking action against respondent No. 6 under Section 182 IPC for making false complaint against him which was found to be false.

I have heard the learned counsel for the petitioner.

In the present case, on the complaint moved by the petitioner, FIR No. 28 dated 30.1.2015 under Sections 420, 120-B IPC was registered against respondent No. 6. FIR No. 7 dated 21.2.2005 under Section 420 IPC was registered against the petitioner on the complaint made by respondent No. 6.

The grievance of the petitioner is that one application dated 17.8.2016 was given by respondent No. 6 against him during Chief Minister's Sangat Darshan alleging that he sent money to the petitioner from Canada through Western Union but the same was not returned back.

On the said application, an enquiry was conducted by Deputy Superintendent of Police, Abohar on 22.8.2016 (Annexure P-5) and the same was sent to S.S.P. Moga.

On this, the petitioner moved an application/representation dated 1.11.2018 (Annexure P-7) to S.S.P., Fazilka to initiate proceedings

against respondent No. 6 under Section 182 IPC as false complaint was given by respondent No. 6 against him which caused loss to his reputation as the police came to his house and, thus, it was an insult in the society.

I do not agree with the contentions raised by the learned counsel for the petitioner. Firstly, the application was given by respondent No. 6 far back in August 2016 and in November 2018, the petitioner moved the application (Annexure P-7) to SSP, Fazilka for taking action against respondent No. 6 under Section 182 IPC or Section 66 of Police Act. Thus, the petitioner does not seem to be serious to initiate action against respondent No. 6.

Moreover, as per the enquiry conducted by Deputy Superintendent of Police, Abohar dated 22.8.2016 (Annexure P-5) on the complaint of respondent No. 6, no finding was given rather the application was sent to Senior Superintendent of Police, Moga. Since no specific finding has been given on the complaint of respondent No. 6, no case is made out to issue direction to respondent No. 2 for initiating action against respondent No. 6 under Section 182 IPC.

The present petition is devoid of any merit and is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

December 20, 2019
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No