

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

CWP No.29997 of 2018 (O&M)
Date of decision: April 25, 2019

Fareed Ahmed

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rakesh Sobti, Advocate for the petitioner.
Mr. Sahil Sharma, DAG, Punjab.

Rajan Gupta, J.(oral)

Petitioner has filed a writ in the nature of mandamus to direct the respondents to grant compensation to the tune of Rs.80.00 lacs on account of loss suffered by him.

Petitioner claims to be dealing in sale and purchase of cattle with the permission of the Government. On 01.09.2018, he alongwith Aasif and driver Dilshad and Nafees had loaded 80 cattle i.e. Buffalo Calves in his truck No.UK-07/CB-3411 from Subhanpur Mandi for taking them to Dera Bassi. He alleged that as his vehicle reached near Jamalpur at about 10.30 P.M., 20-25 young men on motorcycles stopped the vehicle and beat up occupants of the truck. They snatched money and mobile phones from them. According to him, all this done at the behest of one Nidhi Walia, who posed to be a member of NGO. Resultantly, FIR No.168 dated 03.09.2018, under Section 11-A of the Prevention of Cruelty to Animals Act, 1960 was registered against the accused in Police Station City Phagwara. Petitioner

levelled counter allegations, regarding which another FIR No.169 dated 04.09.2018, under sections 341, 342, 379-B, 506, 148, 149 IPC was registered in the same police station. Thereafter, another FIR No.170 dated 04.09.2018 was registered under section 379 IPC in the same police station. Petitioner has sought compensation for loss to the tune of Rs.80.00 lacs suffered by him.

It is inexplicable how the petitioner has preferred the instant petition expecting that his version should be taken as a gospel truth. Disputed questions of fact have been raised in the petition, which cannot be adjudicated upon in the writ jurisdiction. Besides, investigation pursuant to the three FIRs may still be pending. As per petitioner's own version, he had loaded 80 cattle in one vehicle. In such circumstances, it needs to be investigated whether petitioner himself is guilty of cruelty to animals. Petition is hereby dismissed being devoid of merit. However, police is at liberty to take action as per law, in case investigation is still pending. It shall be ensured that same is carried out in direct supervision of Senior Superintendent of Police, Kapurthala and no further delay is occasioned.

(RAJAN GUPTA)
JUDGE

April 25, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No