

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CRM No. M-29762-2020

Date of Decision : 25.09.2020

RUPINDER KAUR

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. K.B.S. Mann, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed by the petitioner with a prayer that property and fair investigation be done in respect of the FIR No. 123 dated 11.09.2019, under Sections 420, 406, 120-B IPC, registered at Police Station Bahawala, District Fazilka.

Learned counsel for the petitioner argues that the FIR was registered after holding an enquiry but now after the registration of the FIR, the Senior Superintendent of Police, Fazilka i.e. respondent No. 4 has again ordered an enquiry, which is not permissible keeping in view the order passed by respondent No. 2 i.e. The Director General of Police, Punjab Police Headquarters, Sector-9, Chandigarh, dated 14.01.2009 (Annexure P-3). Learned counsel further submits that it is only under the orders of respondent No. 2 i.e. Director General of Police, Punjab Police Headquarters, Sector-9, Chandigarh, the second enquiry can be conducted and, therefore, the second enquiry ordered by respondent No. 4 is without jurisdiction.

Learned counsel for the petitioner submits that the said grievance of conducting the second enquiry on the orders of respondent No. 4, has already been brought to the notice of respondent No. 2 i.e. Director General of Police, Punjab Police Headquarters, Sector-9, Chandigarh vide representation dated 28.11.2019 (Annexure P-4), which is still pending consideration with the said authority and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No. 2 to decide the said representation by passing an appropriate speaking order.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State. Learned State counsel raises no objection with regard to the prayer of the petitioner for deciding the representation dated 28.11.2019 (Annexure P-4) by respondent No. 2 in a time bound manner.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No. 2 i.e. Director General of Police, Punjab Police Headquarters, Sector-9, Chandigarh is directed to decide the representation dated 28.11.2019 (Annexure P-4) of the petitioner within a period of eight weeks from the receipt of copy of this order. In case after the decision, it is found that the action is required to be taken, the same will also be taken at the earliest.

Present petition stands disposed of accordingly.

September 25, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*