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

CRWP-1427-2020

Date of decision: 13.12.2021

SAROJ KUMAR AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Mikhail Kad, Advocate
for the petitioners.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Mr. Vijay Lath, Advocate
for Respondent Nos.5 and 6.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of a direction to respondent Nos.2 to 4 to provide security and protection to the life and liberty of the petitioners at the hands of respondent Nos.5 and 6.

As per the allegation, respondent No.5 is running a private finance company.

Reply by way of an affidavit of the Assistant Commissioner of Police, Sub-Division-V, Cantonment Jalandhar, filed by learned State counsel in Court today and the same is taken on record. As per the reply, one complaint was filed by respondent No.5-Ranjit Singh before the Commissioner of Police, Jalandhar and after conducting an inquiry, FIR No.0002 dated 02.01.2021 under Sections 406 and 120-B of the IPC was registered against both the petitioners in Police Station Sadar Jalandhar.

As per the allegation, the petitioners have taken a loan of Rs.5,00,000/- and Rs.85,000/- respectively but have not returned the amount back to respondent No.5.

It is further stated that even the petitioners have given a complaint bearing No.275-DCP dated 15.01.2020 before the Commissioner of Police, Jalandhar and the same was marked to SHO, Police Station Sadar for inquiry. During inquiry, the statement of both the parties were recorded that the case is pending before the JMIC, Jalandhar and a report was submitted and on the basis of the report, after taking opinion of DA Legal Jalandhar, the complaint filed by the petitioner was approved.

Later on, another complaint was given by the mother of the petitioner namely Satya Devi declaring them innocent in the aforesaid FIR No.0002 dated 02.01.2021, and again an inquiry was entrusted and it was found that the petitioner namely Saroj Kumar has taken the amount on credit, but has not returned the same and the matter is of civil nature. Thereafter, opinion of DA Legal was taken on 30.04.2021, who has recommended to file a cancellation report in the present FIR. Accordingly, a cancellation report has been prepared and the same will be filed before the Illaqa Magistrate in due course of time.

Accordingly, the present petition is disposed of.

Cancellation report, if any, be filed within a period of two months from today.

13.12.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No