

CRM-M-24809-2021 (O&M)

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

CRM-M-24809-2021 (O&M)

Date of Decision: 25.08.2021

Bhavesh Motiani

... Petitioner

VERSUS

State of Punjab and others

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR, J.(Oral)

The instant petition has been filed by the petitioner under Section 482 Cr.P.C. for setting aside the inquiry report dated 26.04.2021 (Annexure P/16) as well as seeking a direction to be issued to the respondent No.2 for deciding the representations (Annexure P/7, P/8 & P/9) for grant of sanction under Section 197 Cr.P.C. for prosecution of Kuldeep Singh, ASI, respondent No.4 herein.

Learned counsel for the petitioner would contend that the complainant had got an FIR No. 176 dated 13.08.2017 under Sections 406, 498-A, 506, 323 IPC registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib with allegations of entrustment of dowry. It is submitted that the petitioner had moved an application for proper investigation regarding the bills furnished pertaining to the jewellery articles on the ground that no such shop existed. The matter was eventually investigated and an inquiry report-Annexure P/4 came into being which

CRM-M-24809-2021 (O&M)

would reflect that no such firm was registered in Khanna by the name of Bharat Jewellers, Khanna under PVAT regime as per the search made on the database of VAT Cardex module. Learned counsel further submitted that the bills furnished to the Investigating Officer were never properly investigated and based on that investigation, a challan has been presented and charges have been framed. Learned counsel further contends that the limited prayer made in this petition is for setting aside the inquiry report dated 26.04.2021 wherein application for investigation of the genuineness of the bills furnished for purchase of gold articles stands declined.

I have heard learned counsel for the petitioner and with his assistance perused the pleadings of the case. There is no dispute about the fact that the petitioner has been nominated as an accused in FIR No.176 dated 13.08.2017 registered under Sections 406, 498-A, 506, 323 IPC, wherein challan stands presented and the charges have been framed. The prayer for setting aside the inquiry report dated 26.04.2021 on the basis that proper investigation has not been done by the Investigating Officer-respondent No.4 cannot be entertained.

However, in case the petitioner has any grievance regarding the said investigation, he is always at liberty to avail appropriate remedy available to him as per law before the trial Court where the challan stands presented. He would also be at liberty to take the appropriate defence regarding the existence of the said shops from where allegedly the gold articles were purchased.

So far as the representations regarding grant of sanction under Section 197 Cr.P.C. for prosecuting Kuldeep Singh, ASI- respondent No.4

CRM-M-24809-2021 (O&M)

is concerned, let notice be issued in this regard to the official respondents only.

Mr. A. S. Gill, Sr. DAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent-State and submits that the representations (Annexure P/7, P/8 & P/9) would be looked into and would be decided as expeditiously as possible.

In view of the above, the prayer for setting aside the inquiry report dated 26.04.2021 is hereby declined. However, the representations (Annexure P/7, P/8 & P/9) shall be decided by the official respondents within a period of two months from the date of passing of the instant order.

Petition stands disposed off accordingly.

Other miscellaneous applications, if any, pending on date are disposed of accordingly.

25.08. 2021

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	No