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Sr.No.216

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24100 of 2020
Date of decision:11.02.2021

Manpreet Singh

... Petitioner(s)

versus

State of Punjab and others

... Respondent (s)

Coram: **Hon'ble Mr. Justice Jasgurpreet Singh Puri**

Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner.

Mr. Luvinder Sofat, Asst.AG, Punjab.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 482 Cr.P.C seeking a direction that the inquiry of the Complaint dated 18.02.2020 (Annexure P-1) submitted by the petitioner before the Senior Superintendent of Police, SAS Nagar (Mohali), Punjab be transferred to any District outside the District SAS Nagar (Mohali).

Learned counsel for the petitioner has submitted that although a Complaint (Annexure P-1) was given to the Senior Superintendent of Police, SAS Nagar (Mohali), Punjab dated 18.02.2020 but no action was taken by him and there was an inordinate delay of more than six months, therefore, the present petition was filed.

Notice of motion was issued by this Court on 24.08.2020 and the State of Punjab sought time to file Status Report in this regard.

Status report has now been filed by the State of Punjab by way of an affidavit of Bikramjit Singh Brar, PPS, Deputy Superintendent of

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Police, Sub Division Kharar-II/Mullanpur Garib Dass, District S.A.S Nagar (Mohali) on behalf of respondents No.1 to 4 which is hereby taken on record.

Learned State counsel while referring to the Status report has submitted that the then SSP, District SAS Nagar had directed the then DSP, Sub Division Kharai-II, District SAS Nagar to conduct the preliminary inquiry into the aforesaid complaint and to submit report. In pursuance thereof, preiminary inquiry had commenced by summoning both the parties to associate them with the inquiry. Further, requisite information was sought from the Chief Administrator, GMADA and Directorate, Town and Village Planning Department, Punjab and after conducting the inquiry, the then DSP, Sub Division Kharar-II submitted his report on 05.10.2020 to the Superintendent of Police (Rural), District SAS Nagar with the recommendation to register the FIR against the Directors and officials of Omaxe Company. It has been further stated in para No.7 of the reply that the allegations against the Directors and officials of Omaxe Company were found to be prima facie proved and accordingly, the deponent submitted his report on 18.11.2020 before the SSP, SAS Nagar, Mohali with the recommendation to register the FIR against the Directors and officials of Omaxe Company. Thereafter, this report was thoroughly perused and considered by the SSP, District SAS Nagar, Mohali and while agreeing with the same, approved it with the directions to the SHO, Mullanpur to register the case/FIR and to commence with the investigation. As a consequence thereof, FIR No.112 dated 19.11.2020 under Sections 420/406/120-B IPC has been registered at Police Station Mullanpur, District SAS Nagar against

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Rohtash Goel, Bhupinder Singh, Kamal Kishore Gupta and unknown persons and the investigation has commenced. It has further been stated in the affidavit that the investigation of the present FIR is underway and strenous efforts are being made to take the same to its logical conclusion.

Learned State counsel has submitted that present petition has become infructuous in view of the fact that after thorough inquiry, an FIR has already been registered at Police Station Mullanpur and it cannot be said that there is any delay on the part of police authorities and no case is made out for transferring of the case outside of the Distict Mohali.

Learned counsel for the petitioner has submitted that he has gone through the affidavit which has been filed by the State of Punjab and he has submitted that it is correct that FIR has been registered. He however, submitted that since the police had been delaying the matter, he may be granted liberty to file an approprite petition at an appropriate stage if so required at a subsequent stage in case the investigation is not conducted properly.

After hearing the learned counsel for the parties, this Court is of the considered opinion that the present petition has become infructuous in view of the fact that on the complaint made by the petitioner an FIR has been registered after thorough inquiry. Therefore, no further proceedings are called for in the present case.

In view of the above, present petition is dismissed as having become infructuous.

So far as the prayer made by learned counsel for the petitoner seeking liberty to file an appropriate petition in case fair investigation is not

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being conducted such liberty is not required to be given in view of the fact the petitioner can always invoke the jurisdiction of the Court within his own rights and in accordance with law.

11th February, 2021 **[JASGURPREET SINGH PURI]**
Shivani Kaushik **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether Reportable **Yes/No**