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

CRM-M No. 37969 of 2021
Date of Decision: 05.10.2021

Vikas Joshi

-Petitioner

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sukhbir Maandi, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks issuance of necessary directions against respondents No.4 to 8 in respect of commission of cognizable offence for which complaint dated 28.08.2021 was filed before the Station House Officer, Police Station Maqsuda, Jalandhar Rural. No action was taken by the S.H.O. Thereafter, a representation was filed by the petitioner before the Senior Superintendent of Police, Jalandhar Rural on 02.09.2021.

Learned counsel for the petitioner submits that in view of parameters laid down by the Hon'ble Apex Court in

Lalita Kumari vs Govt. of U.P., 2014(2) SCC 1, the complaint

ought to have been considered by the S.H.O. in accordance with law.

Perusal of representation dated 02.09.2021 filed before the Senior Superintendent of Police, Jalandhar Rural would show that there is no recital of making any complaint to the S.H.O. on 28.08.2021, but learned counsel for the petitioner submits that factum of filing the complaint before the S.H.O. was very much in the knowledge of Senior Superintendent of Police.

Notice of motion.

On the asking of the Court, Mr. Amar Ashok Pathak, Addl. A.G., Punjab accepts notice on behalf of State of Punjab.

At this stage, Mr. G.S. Madaan, Advocate appears on behalf of respondents No.4 and 5.

In view of nature of order which this Court proposes to pass, there is no necessity of serving other respondents at this stage, as no order prejudicial to the interest of any party is being passed.

Learned State counsel on instructions from ASI Satnam Singh submits that complaint dated 28.08.2021 is still under consideration before the S.H.O.

Petitioner would be at liberty to establish the allegations before the S.H.O. in accordance with law.

Learned State counsel further submits that necessary

decision shall be taken on the complaint as per parameters as laid down in **Lalita Kumari's case (supra)**.

If any cognizable offence is found to have been made out, the police would be obligated to act in accordance with law. If no cognizable offence is found to have been made out, then the complainant would be informed as per law laid down in **Lalita Kumari's case (supra)**.

Disposed of.

05.10.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No