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

CRM-M-44616-2021

Date of decision : 27.10.2021

Vinod Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bhisham Kumar Majoka, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for issuance of directions to respondent Nos.3 and 4 to conduct a fair and impartial enquiry in case FIR No.488 dated 01.09.2017 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station SGM Nagar, Faridabad, District Faridabad.

Learned counsel for the petitioner has submitted that in the present case, a complaint under Section 138 of the Negotiable Instruments Act, 1881 (Annexure P-1) was filed by the petitioner against respondent No.5-Madan Ram for dishonour of cheque bearing No.590503 dated 12.01.2016 amounting to Rs.77,000/-. It is submitted that in the

said proceedings, the said Madan Ram (respondent No.5) had been declared as proclaimed person vide order dated 09.06.2017 (Annexure P-2) and accordingly, the present FIR under Section 174-A of the IPC was registered against the said Madan Ram. In the said case, the said Madan Ram has not been arrested and in fact, on 06.03.2019, untraced report has been submitted by the police official by saying that several raids were conducted on the house of the accused-Madan Ram at Railway Colony Nirkatiyaganj, District Champaran, Bihar but no information was found.

Learned counsel for the petitioner has submitted that in fact, the said Madan Ram is residing in the same house and even the complaint (Annexure P-5) was filed by the said Madan Ram mentioning the same address as his address.

Learned counsel for the petitioner has further submitted that the petitioner has given a detailed representation to DGP Panchkula (Annexure P-6) on 05.05.2021 and he would be satisfied in case, respondent No.3-Commissioner of Police, Faridabad, District Faridabad is requested to look into the said representation and to take appropriate action in accordance with law.

Notice of motion to respondent Nos.1 to 4 only.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of respondent Nos.1 to 4 and on a specific query put by this Court, he has stated that he has no objection in case respondent No.3-Commissioner of Police, Faridabad, District Faridabad looks into the said representation and take appropriate action in

accordance with law.

After considering the facts and circumstances of the present case, this Court deems it appropriate to direct respondent No.3- Commissioner of Police, Faridabad to look into the representation dated 05.05.2021 (Annexure P-6), a copy of which shall be supplied to the office of respondent No.3 within a period of three days from today and after making necessary enquiries, respondent No.3 shall take appropriate action in accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioner and it would be open to respondent No.3 to make his independent enquiry/assessment with regard to the representation.

In view of what has been observed above, the present petition is disposed of in the abovesaid terms.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioner, if involved in any case.

27.10.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No