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

CRWP-10609-2021
Date of decision : 10.11.2021

Surinder Pal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Subhash Kumar, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Articles 226/227 of the Constitution of India praying for issuance of directions to the official respondents to conduct fair and impartial investigation in the complaints (Annexures P-5, P-6, P-7, P-11 and P-13).

Learned counsel for the petitioner has submitted that in the present case, the petitioner and his wife are being harassed by the private respondents which include daughter-in-law of the petitioner and also the son of the petitioner and has thus, filed the present petition.

This Court has heard the learned counsel for the petitioner and has perused the paper book.

A perusal of the paper book would show that a civil suit dated

22.02.2021 (Annexure P-4) had been filed by the petitioner against respondent Nos.4 and 5 for mandatory injunction directing the said respondents to vacate the premises and also for permanent injunction. In the said suit, no interim order had been granted in favour of the petitioner. Another civil suit for permanent injunction (Annexure P-8) had been filed by respondent Nos.4 and 5 against the present petitioner, restraining him from dispossessing the said respondent Nos.4 and 5 of the property in question, unlawfully and forcibly. Third civil suit for permanent injunction (Annexure P-10) had also been filed by the petitioner against respondent Nos.6 to 8. No stay is stated to have been granted even in the said civil suit. From the said facts, it is apparent that there is civil dispute between the parties. The complaint dated 25.05.2021 (Annexure P-11) is stated to have been given to the Senior Superintendent of Police, Jalandhar Rural, in which the petitioner has made the allegations that on the asking of respondent Nos.4 and 5 and their family members, a *Tantrik* was called on 16.02.2019 in order to perform certain ceremonies and for the said purpose, the petitioner agreed and paid a sum of Rs.21,000/- and thus, the complaint was made on 25.05.2021 for recovery of the said Rs.21,000/- and also for registration of the FIR against the private respondents. From the facts, it is apparent that the petitioner is habitual of filing frivolous complaints only in order to get the benefit with respect to the civil dispute going on between the parties. In the civil suit filed by the petitioner, no interim order has been passed in his favour. A perusal of the complaint (Annexure P-11) would show that in the incident of the year 2019, the petitioner had himself participated in the ceremony and had given Rs.21,000/- and the same was

also sought to be made basis, after a period of more than two years for recovery of the said amount of Rs.21,000/-, with respect to which even the prayer for registration of the FIR was made. The present petition as apparent, has also been filed by the petitioner only to get an unfair advantage in the civil suit. Further, the wife of the petitioner has not even filed the present petition and thus, the question of there being any apprehension to the said wife is also not prima facie established.

Keeping in view the abovesaid facts and circumstances, the present Criminal Writ Petition, being completely frivolous, stands dismissed.

10.11.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**