

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

**CRM-M No. 6251 of 2022
Date of Decision: 14.02.2022**

Gurdip Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Kehar Singh Hissowal, Advocate
for the petitioners.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. An FIR No. 115 of 11.07.2019, constituting therein offences embodied under Sections 506, 406, 420 of the IPC, is registered against the petitioners, at Police Station Dakha, District Ludhiana.
2. The prayer made in the present petition is that since the petitioners are falsely implicated in the above FIR, and, that they are being unnecessarily harassed, through, theirs being repeatedly summoned by the Investigating Officer (IO) concerned, hence conducting investigations into the offences, carried in the FIR (supra). Therefore, a mandamus be issued, upon, the respondents, to not hence harass the petitioners.
3. The afore made submission is supported by recitals occurring in Annexure P-2, as, appended with the petition, which are candidly suggestive of the fact, that the IO concerned, has asked for an affirmative permission from the authorities concerned, for his proposal to institute, before the learned Magistrate concerned, rather a closure / cancellation report, with respect to the afore FIR.

4. If the proposal for instituting a closure report in respect of the FIR (supra) is awaiting approval, being meted thereon, by the authorities concerned. Consequently, upto the above proposal is rejected by the competent police officer(s) concerned, thereupon, the IO concerned, may not harass and humiliate the petitioners through his repeatedly summoning the petitioners from facing enquiries, with respect to the FIR (supra).

5. Nonetheless, if the above proposal of the IO concerned is rejected by the superior authorities concerned, thereupon, it is permissible for the IO concerned, to draw appropriate action, in accordance with law, against the petitioners. However, in the afore event, the IO concerned, may not arrest the petitioners, unless a seven days notice is served upon them.

6. Disposed of, accordingly.

February 14, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>