

COCp-221-2022 (O&M)

Date of Decision : 14.07.2022

Ashok Kumar

...Petitioner

versus

Hari Chand

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Anirudh Dhanda Advocate for the petitioner.
Mr. Aditya Sharda, Asstt. A.G., Punjab.

B.S. Walia, J. (Oral)

CM-4140-2022

Allowed as prayed for.

COCp-221-2022

1. Prayer in the petition is for initiating proceedings against the respondent for intentional and willful defiance of order, Annexure P-1, dated 17.12.2021, in CRM-M-52929-2021.

2. A perusal of order Annexure P/1 dated 17.12.2021, in CRM-M-52929-2021, reveals that the respondent was directed to consider the grievances raised by the petitioner in representation dated 02.12.2021, and take action thereon as deemed fit in accordance with law. Although notice has not yet been issued in this case, yet, status report has been filed by the Station House Officer, Police Station Naya Gaon, District SAS Nagar along with report Annexure R-1/T dated 18.02.2022 and R-2/T dated 26.02.2022.

3. Learned AAG, Punjab, on the basis of Annexures R-1/T and R-2/T contends that inquiry into the complaint submitted by the petitioner was conducted by ASI, Iqbal Singh, Police Station Naya

Gaon, whereupon, statement of complainant and opposite party as well

as other persons were got recorded, appropriate documents were obtained and on the basis of the same, it was found that a mutual altercation had taken place between the petitioner and opposite party Shiv Chand son of Ajmer Singh, Sonu son of Naib, Jassi son of Mahender etc, residents of Kansal, District SAS Nagar, but opposite party had not been found to have inflicted injuries by entering into the house of the petitioner and that preventive action under Section 107/151 of Cr.P.C. was initiated and on the basis of enquiry conducted no truth was found in the allegations leveled by the complainant, therefore, recommendation was made to file the same. Inquiry conducted by ASI, Iqbal Singh, was approved by the Station House Officer, Police Station Naya Gaon, and was further approved by the **DSP**, City-I, District SAS Nagar, vide Annexure R2/T. Thereafter, the same was seen and filed by the Senior Superintendent of Police, SAS Nagar. The same has been supplied to learned counsel for the petitioner, who on perusal thereof states that in the circumstances, the petitioner does not press the instant petition and prays for liberty to challenge order Annexure R/1 and R/2, by way of appropriate proceedings, in accordance with law.

4. In view of the position noted above, as well as statement of learned counsel for the petitioner, the instant petition is *disposed of* as not calling for any action against the respondent under the Contempt of Courts Act, 1971, while granting liberty to the petitioner as prayed for.

(B.S. Walia)
Judge

14.07.2022

rajesh