

CRM-M-10849-2022

Date of Decision: 15.03.2022

Gaurav Jain

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Yash Dev Kaushik, Advocate, for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 482 of the Cr.P.C. seeking quashing of the order dated 09.12.2021, passed by the Commissioner of Police, Faridabad (respondent no. 2 herein), in consequence of the order dated 05.10.2021 passed by this court in CRM-M-41729-2021, whereby the Commissioner of Police, Faridabad, was directed to go into the matter and take a decision as per law on the representation of the petitioner, within a period of two months from the date of the receipt of the certified copy of that order.

Pursuant to that order, an order was passed by the Commissioner of Police, Faridabad, on 09.12.2021 (copy Annexure P-1), stating to the effect that the petitioner not having answered the questions put to him and no evidence having been found as regards any criminal intimidation (by the person against whom the petitioner was making allegations), and he not having answered as to when he signed the online application, the answer simply being that it was signed online, his representation was found to be without any merit, with no such offence found to have been committed by the person accused of having done so.

Upon query to learned counsel for the petitioner with regard to the above, he points to the statement of the petitioner as is contended to have been made before the police, a copy of which has been annexed as Annexure P-5 with the petition.

He submits that all questions that were asked from him were duly answered, though as regards the question of where the online agreement was signed, he submits that that question was not specifically there in the questionnaire but he submits that the online agreement was signed at Faridabad.

In the opinion of this court, the Commissioner of Police having entrusted the enquiry to a Deputy Commissioner of Police and the police having come to a conclusion (rightly or incorrectly), that the petitioner could not provide any *prima facie* evidence of any criminal intermediation etc., there would be no reason for this court to quash the impugned order and to direct fresh investigation, with a remedy always available to the petitioner of instituting a “private complaint” in terms of Section 200 etc. of the Cr.P.C.

Consequently, with the aforesaid liberty available, this petition is dismissed with no comment made on the actual merits thereof.

March 15, 2022
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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
Yes.