

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8546-2022 (O & M)

Date of decision: 14.07.2022

Jagjeet Singh

..... Petitioner

V/s

Union of India and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nitin Sharma, Advocate, for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India,
with Mr. Arvind Seth, Advocate, for respondent No.1-UOI.

Mr. Rajeev Anand, Advocate, for respondents No.2 to 9.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for holding of an investigation/enquiry to be conducted by respondent No.4 i.e. Home Secretary, Chandigarh Administration, U.T., Secretariat, Sector 9, Chandigarh against respondent No.8-Manoj Kumar Meena, Superintendent of Police, U.T., Chandigarh, who deliberately committed cognizable offences and presented himself as a senior official though he has not attained that promotion and has impersonated himself as a senior official and passed various transfer/posting orders with a further prayer to direct the respondent No.4 to decide the representation (Annexure P-7).

2. The counsel for the petitioner submits that the petitioner is a post-graduate in Police Administration and is working in the field of police

reform. He has filed a number of Public Interest petitions before this Court on the subject of Corruption in the Transfer Policy of Chandigarh Police, etc. As per the counsel, the petitioner is a Chandigarh Police employee and is aggrieved by the misuse of power by impersonation committed by respondent No.8-Manoj Kumar Meena.

3. It is stated that the petitioner-complainant on 14.12.2021, informed the Director General of Police, U.T., Chandigarh alongwith a copy to the Senior Superintendent of Police, U.T., Chandigarh, that respondent No.8 posted as the Superintendent of Police, Chandigarh was impersonating as the Senior Superintendent of Police for the last several months. A copy of the complaint is attached with the present petition as Annexure P-1.

4. The counsel has made a reference to the provisions of the Punjab Police Act, 2007 to contend that the postings and transfers of subordinate ranks within a police district shall be decided by the Senior Superintendent of Police on the recommendation of all Superintendents of Police posted in the District being the District Chief. This was the difference in the rank and status of an SP and an SSP. It was surprising that the respondent No.8 was issuing letters and orders with fake stamps of the Senior Superintendent of Police despite the provisions of the Punjab Police Act and since he had made a complaint to the SHO, Police Station Sector 3 i.e. respondent No.9 against Manoj Kumar Meena-respondent No.8 of his impersonation as Senior Superintendent of Police, the police was duty bound to register an FIR in terms of the judgment of ***“Lalita Kumari versus Govt. of U.P. and others, 2014(1) SCC(Cri.) 524”***.

5. The thrust of the case of the petitioner as set up by the learned counsel is that he was a public spirited police official who has filed a number of cases on various aspects of police reforms and respondent No.8 was impersonating as the Senior Superintendent of Police, and therefore, an FIR should be registered against him.

6. The learned counsel appearing for respondents No.2 to 9 has referred to the Maintainability of Public Interest Litigation Rules, 2010 to contend that the present petition is of the nature of a Public Interest Litigation and the present petition has not been filed in accordance with the said Rules. He further contends that in terms of the aforesaid Rules, such matters are to be listed as per the appropriate roster for listing of Public Interest Litigation, and therefore, this matter cannot be heard by this Court. He contended that the petitioner could otherwise file a service related writ petition, if so advised. He also referred to a letter dated 22.02.2022 wherein the Central Public Information Officer, Traffic Wing, Traffic & Security Lines, Sector 29, U.T., Chandigarh wrote to the petitioner stating therein that the complaints of the petitioner dated 27.12.2021 (Annexure P-2) and 04.01.2022 (Annexure P-4) had been sent to Senior Officers for necessary action and now the said complaints had been found to be baseless (Annexure R-5/1). Even otherwise, as per the learned counsel for the respondents No.2 to 9, no member of the police force including the SSP, Chandigarh whom the respondents No.8 is allegedly impersonating has filed any complaint regarding the impersonation, and therefore, the present petition was completely frivolous.

7. I have heard the learned counsel for the parties.
8. As per the learned counsel for the petitioner, the petitioner is a public spirited police official, who is habitual of filing several petitions in public interest on the subject of corruption etc. in the Chandigarh police. Apparently, the petitioner is an employee of the Chandigarh police as has been set-out in Para 5 of the petition. In view of the Maintainability of Public Interest Litigation Rules, 2010, the petitioner may file a Public Interest Petition after complying with the said Rules. So far as the registration of an FIR is concerned, it is indeed strange that the petitioner is aggrieved by some illegal act purportedly committed by the respondent No.8, but no police official including the respondent No.6-SSP, Chandigarh, who is said to have been impersonated has made any such complaint against the conduct of respondent No.8. No other person/police officer aggrieved has also filed any case of any kind on account of any loss suffered by such illegal act of respondent No.8. Be that as it may, the petitioner always has the option of approaching the concerned Area Magistrate for the redressal of any grievance.

In view of the above, I see no merit in the present petition. Therefore, the same is hereby dismissed.

(JASJIT SINGH BEDI)

July 14, 2022
sukhpreet

JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No