

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

239

CRM-M-9950-2021 (O&M)
Date of decision: 14.11.2022

JASBIR SINGH WALIA

....Petitioner

V ersus

STATE OF HARYANA AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed for seeking direction to respondent Nos.2 and 4 to take appropriate action in FIR No.108 dated 01.02.2018 initially registered under Section 120-B and 420 of the IPC (Section 465, 468 and 471 of the IPC, registered at Police Station Saran, District Faridabad.

Notice of motion in this case was issued on 03.03.2021, pursuant to which status report dated 06.10.2022 by way of affidavit of Sukhbir Singh, HPS, Assistant Commissioner of Police, Badkhal, Faridabad has been filed today in the Court, which is taken on record.

Learned State counsel refers to paras 4, 5 and 8 of the reply, which read thus:-

“4. That upon the above complaint, the case FIR No. 108/2016 was registered against respondent No.5. The enquiry/investigation was set into motion. The respondent No. 5 was summoned to join the investigation. On 08.02.2018, the respondent appeared before Investigation Officer and joined the investigation. He handed over the completion certificate of plot No. 4400-A to 4400-C in project of Gardenia Floors. During the investigation, the respondent No. 5 produced relevant documents of project. After study and inspection of documents, it was realised that the department of Municipal Commissioner Faridabad had regularized the construction of Flat No. 44-C, 2nd floor (Area) 1529.49 sq ft), after charging

compounding fee from the builder. In the investigation it was found that the present dispute was of civil nature and on the grounds of non-detection of any cognizable offence, a Closure Report in this case was filed on 17.09.2018 by the then Investigation Officer.

5. That the petitioner, in protest again filed a fresh complaint to Senior Police Officer demanding fresh investigation. Upon this the further investigation was initiated on 05.08.2019. The investigation was carried out by a team of six persons including three sub inspectors and three assistant sub inspectors in the guidance of senior staff. The documents and records obtained from the concerned department i.e. Municipal Corporation Faridabad. In order to ascertain the truth the documents and record of MCF were inspected. The following are the findings which came to the fore of investigation team.

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8. That in the investigation which has been carried out so far in this case, there is no ground to register a fresh case against the builder (respondent No. 5) and arrest him. There is no sufficient evidence found in this case which suggest or indicate of occurrence of any cognizable offence. Hence a second "Cancellation Report" was prepared in this case on 11.02.2021, which had been submitted in court on 26.02.2021. That in compliance of order dated 03.03.2021, passed by this Hon'ble Court, a detailed Status Report is being submitted in this case for kind perusal and consideration of the court."

Learned State counsel submits that in view of the above, the present petition has been rendered infructuous.

In view of the above, no further order is required to be passed in the matter and the same is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of alternative remedies available to him in accordance with law.

(AMAN CHAUDHARY)
JUDGE

November 14, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>