

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

239

CRM-M-9659-2022 (O&M)
Date of decision: 11.10.2022

KARAN AVTAR KAPIL

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ritesh Aggarwal and Mr. Ripu Daman, Advocates for
Mr. Sunil Mallan, Advocate
for the petitioner.

Mr. Kamalpreet Singh Bawa, AAG Punjab.

Mr. Rahul Sharma, Advocate for
Mr. Sumit Narang, Advocate
for respondent No.6.

Mr. Sherry K. Singla, Advocate
for respondent Nos.9, 11 and 14.

AMAN CHAUDHARY. J. (ORAL)

Present petition has been filed for issuance of directions to the respondent Nos.2 and 7 to conduct free, fair and impartial inquiry/investigation and taken legal action against private respondent Nos.8 to 14.

Notice of motion was issued on 07.03.2022, pursuant thereto, reply dated 20.08.2022 has been filed by way of affidavit of J. Elanchezhian, IPS, Senior Superintendent of Police, Bathinda. Learned State counsel refers to paras 11, 12 and 13, which read thus:-

“11. That from the inquiry, it is also found that due to the dispute raised between both the parties, Tehsildar, Maur was

deputed as A Receiver by Sub Divisional Magistrate, Maur vide his office letter no.403 dated 09.10.2021 to supervise the smooth functioning of Mata Maiserkhana Temple and Malwa Prantiya Brahaman Sabha, Maiserkhana. In view of the facts detailed above, no further action is required to be taken by the police.

12. That petitioner Karan Avtar also alleged that signatures of Sh. Pawan Kumar the then Tehsildar Maur are forged one and the said forged signature were made at the time of election of the committee of the temple. On the other hand Sh. Pawan Kumar, Tehsildar got recorded his statement that on 22.02.2021, written information was given by Committee of Malwa Prantiya Sabha regarding constitution of new Committee, which was only seen (signed) by him and entered in his office record, which is recorded at Sr. 503 in the dispatch register of his office. Thus the said allegation of the petitioner is also found to be false.

13. That from the conclusion of the inquiry report it is found that the committee headed by Shiv Kumar Mohi has not withdrawn the amounts from the bank account dishonestly, no staff has been recruited by adopting any corrupt practices, gold and silver articles have also not been misappropriated and the signatures of Pawan Kumar Tehsildar are also not forged one. Thus all the allegations levelled by Karan Avtar Kapil now petitioner are found to be false. Deputy Superintendent of Police (Rural), Bathinda made a recommendation that the applications were filed just to make a pressure upon the members of the previous elected committee and the same are recommended to be filed.

In view of the above, no further order is required to be passed. The present petition is disposed of as having been rendered infructuous. However,

liberty is granted to the petitioner to avail of alternative remedy as may be available to him in accordance with law.

(AMAN CHAUDHARY)
JUDGE

October 11, 2022

S.Sharma(syr)

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