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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12318-2022 (O&M)

Date of Decision: 24.03.2022

Ajeet

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Khalid Tauru, Advocate, for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal procedure with a prayer to issue a direction to respondent Nos. 3 to 5 who are the official respondents to conduct fair, scientific and impartial investigation in FIR No. 0007 dated 05.01.2022, under Sections 147, 148, 323, 506 IPC and Section 3 of SC & ST Act, 1989, registered at Police Station Sadar Tauru, District Mewat.

The learned counsel for the petitioner has submitted that the petitioner had taken admission in a college and the annual fee of the college was Rs. 60,000/- and the petitioner deposited the first installment of Rs. 30,000/- and thereafter when he went to the college for taking the receipt, the same was refused and rather the petitioner was threatened and

another dispute arose with regard to the allegation against the petitioner that he touched the hookah which was being smoked by the private respondents and thereafter they even kicked the petitioner in his stomach and used derogatory words on the caste of the petitioner. He further submitted that although an FIR was registered on 05.01.2022 but the same is not being fairly investigated by the police and, therefore, he has sought directions from this Court in this regard and has also filed a representation Annexure P-3 but no action has been taken in this regard.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has stated that he has received an advance copy of the present petition and has gone through the same and also sought the instructions from the concerned police official. He further submitted that the petitioner has deliberately and actively concealed material facts from this Court. He submitted that against the petitioner, FIR No.415 dated 31.12.2021, under Sections 147,148, 323 and 427 IPC was lodged and thereafter the petitioner also got lodged FIR against the private respondents and this fact has not been disclosed in the present petition and the present petition has been filed by way of a concealment of material facts. He further submitted that a perusal of the petition shows that there is no ground set up by the petitioner to show as to how the police is not investigating the case properly. He further submitted that in both the FIRs the police is still investigating the case from proper angle and if at all, there is any ground available with the petitioner to show as to how there has been a partial or unfair investigation, then the same has to be shown by the petitioner but there is nothing in the petition or in the arguments raised by the learned counsel for the petitioner in this regard and, therefore, the filing of the

present petition amounts to abuse of the process of law.

I have heard the learned counsel for the parties.

The present petition does not disclose that there was an FIR lodged by the private respondents against the petitioner about one week before the present FIR which was lodged by the petitioner and there is no justification as to why the petitioner has concealed this material fact from this Court. The petition is supported by an affidavit of the petitioner and it has been verified by him by stating that no material fact has been concealed. Therefore, the conduct of the petitioner in not disclosing material fact is highly deprecated. So far as the prayer of the petitioner with regard to the present FIR which was lodged by him is concerned, the learned counsel for the petitioner during the course of arguments or in the petition itself has not been able to make out any ground as to how the investigation was partial or not fair. The learned State counsel has categorically stated that in both the FIRs proper investigation is being carried out which will be taken at its logical conclusion. Therefore, considering the aforesaid facts and circumstances, this Court does not deem it fit and necessary to invoke the extra ordinary power under Section 482 of the Code of Criminal Procedure for issuance of any direction in this regard.

Consequently, finding no merit in the present case, the same is hereby dismissed.

24.03.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No