

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

105

CRM-M-14018-2022

Date of Decision: 02nd April, 2022

KULDEEP SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. R.K. Jaswal, Advocate,
for the petitioners.
Ms. Samina Dhir, DAG, Punjab.

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VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 482 of the Cr.P.C. for issuance of directions to official respondents claiming that the petitioners are being unnecessarily harassed at the instance of respondent No.8-complainant and the investigating agency is conducting inquiries against the petitioners.

Learned counsel appearing on behalf of the petitioners points out that the complainant-respondent No.8 is the elder brother of the petitioners and has retired from the police department. He further submits that a dispute pertaining to the property is pending amongst the brothers in the Civil Court and with a view to harass the petitioners, the respondent No.8-complainant, who has retired as a police inspector, is submitting multiple applications against the petitioners. As a result of submission of the said applications, the petitioners are being subjected to multiple inquiries. In regard thereto, he places reliance on the order dated 12.01.2009 passed in the matter of *Jaswinder Singh Vs. State of Punjab and others*. Learned

counsel has further argued that the respondent No.8 had also filed a complaint before the Illaqa Magistrate, wherein direction under Section 156(3) of Cr.P.C. was not issued by the Illaqa Magistrate, rather he himself took cognizance of the said complaint. The said complaint is still pending.

I have heard the learned counsel for the petitioners.

The ratio of the said judgment of ***Jaswinder Singh Vs. State of Punjab and others*** (supra) is not applicable to the facts of the instant case inasmuch as the said judgment would come into operation where one single complaint is being subjected to multiple inquiries. Subsequent complaints filed by a complainant alleging different allegations or separate incidents can always be subjected to inquiries.

So far as the argument of learned counsel for the petitioners with regard to filing of complaint, wherein the Illaqa Magistrate declined the prayer of the respondent No.8 under Section 156(3) Cr.P.C., is concerned, the same does not give any shot in the arm to the petitioners inasmuch as the cognizance thereof has been taken by the Court. Besides, complainant having taken recourse to a procedure available to him in accordance with law, cannot be read to his detriment or be a reason to deny him access to the constitutional remedies.

The instant petition is as such, dismissed being an attempt to refrain a person from approaching a Court of law and to the authorities established by law.

(VINOD S. BHARDWAJ)
JUDGE

02.04.2022.
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No