

112

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

CRM-M-16871-2022

Date of Decision: 25.04.2022

Gurpreet Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Krishan Daaria, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure seeking direction to respondent Nos.2 & 3-Official respondents/Police for registration of FIR against respondent Nos.5 to 7, who are the officers of the bank. Another prayer has been made for conducting a departmental inquiry against respondent Nos.5 to 7, who are employees of a private bank. A prayer has been made to invoke the jurisdiction of the Court under Section 482 of the Code of Criminal Procedure.

It has been argued by the learned counsel for the petitioner that the petitioner got a message from the bank that a request for issuance of a cheque book has been made and in case you have not applied for the same you can inform the bank. Consequently, the petitioner informed the bank i.e. Mahindra Kotak Bank that he has not made any request and consequently the bank cancelled the request and ultimately no cheque book was issued in this

regard. He has also referred to the email written to the bank vide Annexure P-2 in this regard. He further submitted that a representation has been given vide Annexure P-1 which has not been considered.

Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, has submitted that he has received an advance copy of the petition and he has gone through the same and has submitted that the powers under Section 482 of the Code of Criminal Procedure cannot be invoked in such cases where no cause of action is arisen in favour of the petitioner.

I have heard the learned counsel for the parties.

It is a case where the petitioner has made two prayers and on the face of it, it appears to be an abuse of the process of law. Firstly, he never raised any request for issuance of the cheque book from the private bank but as a normal course when the bank informed him for seeking confirmation, he had stated that he has not raised any request, and therefore, his request was cancelled and no cheque book was issued to the petitioner and it is a case where an FIR is required to be registered and an action is to be taken in this regard. Secondly, prayer made by the petitioner is that a departmental action be taken against respondent Nos.5 to 7, who are employees of Mahindra Kotak Bank.

So far as the first prayer of the petitioner is concerned, the bank informed the petitioner with regard to the request being generated and consequently the petitioner apprised them that no request has been made by him and thereafter, the bank had cancelled the request and no cheque book was issued to anybody. Although on the face of it, no action was required to be taken but still in case the petitioner was aggrieved by the action of the Police

Officials then he ought to have approached the concerned Police Station or S.S.P., in accordance with law. But in the present case, a perusal of the representation (Annexure P-1) would show two things: firstly, for such a matter with regard to issuance of a cheque book, he moved a representation to the Director General of Police with a copy to Chief Minister of Punjab and SSP Cyber Crimes without moving such a purported application to the concerned S.H.O. In case the petitioner was aggrieved by any action of the Police Officials, he should have approached the concerned Police Officials or the SSP Office and it is not understandable as to why he moved the purported representation straight away to the Director General of Police and to the Chief Minister of Punjab. Secondly, a perusal of the representation and the entire paper-book would show that there is nothing on record to show as to by what method he has sent the representation. There is neither any diary number nor any registered post number nor any email or any type of mode whatsoever and it appears that such a purported representation has been attached with the paper-book only for the sole purpose of filing the present petition. Such kind of practice by the petitioner is highly deprecated. Therefore, on the face of it such petition would not be maintainable.

So far as the second prayer of the petitioner seeking directions for taking a disciplinary action against respondent Nos.5 to 7 is concerned, this Court finds it very strange that the petitioner is seeking to invoke jurisdiction of this Court under Section 482 of the Code of Criminal Procedure for seeking a direction for initiating disciplinary action against the employees of a private bank and again such kind of prayer is not only unsustainable and non-maintainable but also it appears that the present petition has been filed with

ulterior motive. This Court is of the view that the present petition is nothing but is an *ex facie* abuse of the process of law and ill-motivated. Therefore, finding no merit in the present petition, the same is hereby dismissed with Rs.10,000/- as cost to be deposited in the PGIMER Poor Welfare Fund, Chandigarh, within a period of 30 days from today.

Registry is directed to post this case on **30.05.2022**, for compliance purposes.

25.04.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |