

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

**CWP-8668-2021
Date of Decision: 27.10.2022**

MUNISH KUMAR GUPTA

...Petitioner(s)

VS.

STATE OF PUNJAB AND ORS.

...Respondent(s)

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

Present: Mr. Davinder Kumar, Advocate
for Mr. P.K.S. Phoolka, Advocate for the petitioner.

Ms. Niharika Sharma, DAG Punjab.

VINOD S. BHARDWAJ (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of Mandamus for directing the officials-respondents for not holding repeated enquiries on the applications given by the respondent no.4 against the petitioner.

Reply by way of affidavit of Jashandeep Singh Gill, PPS, Deputy Superintendent of Police (City), District, Moga has been filed wherein it is specifically stated that the application submitted by the complainant was enquired into by the Incharge, Women Help Desk and upon enquiry, it was found that all the allegations levelled by respondent No.4 were false. The application is accordingly ordered to be consigned.

It was further submitted that in view of the aforesaid enquiry, presence of the petitioner was no more required by the District Police Moga,

in connection with any matter. Relevant extract of the aforesaid reply is reproduced herein below;

“That petitioner has no cause of action to invoke extra ordinary jurisdiction of this Hon’ble Court. Brief facts are that respondent No.4 had moved an application before the respondent No.3 (Annexure P-1). On the basis of said application enquiry was conducted by the department and during enquiry said application was found to be false and same was consigned. Enquiry report is already on the file as Annexure P-2. After that respondent No.4 moved another application No.221-C-R/DSP (CAW&C), Moga before the SSP, Moga against petitioner with the allegations that petitioner had played a fraud with respondent No.4. On the basis of said application enquiry was conducted by DSP (Crime Against Women and Children), Moga and during enquiry it was found that regarding same allegations enquiry was already pending with the then DSP (City), Moga, so said application was consigned. Apart from this by concealing the facts relating to the previous enquiries reports, the respondent No.4 moved one more application No.99-PC-6/2021 before SSP, Moga, on the basis of said application enquiry was marked to Incharge Women Help Desk, Moga. During enquiry it was found that enquiry on the basis of application is pending with the then DSP City, Moga, due to which application of the respondent No.4 was consigned. However, during enquiry conducted by the then DSP (C),

Moga, all the allegations leveled by respondent No.4 were found to be false and after completion of enquiry he recommended to consign the application.

That now no enquiry regarding application moved by the respondent No.4 against the petitioner is pending in the office of answering respondent no petitioner is required by the District Police Moga, in connection with any matter.”

In view of the aforesaid standard of enquiry, the present petition is not pressed at this stage, the same is accordingly disposed of.

(Vinod S. Bhardwaj)
JUDGE

Dated 27.10.2022
poonam

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

