

114

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

CRM-M-17613-2022

Date of decision : 28.04.2022

Savita @ Savita Gupta

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Lalli, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for issuance of directions to the official respondents to comply with the order dated 18.10.2021 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Ludhiana, vide which, accused Nos.3 and 5 in the complaint case under Section 138 of the Negotiable Instruments Act, 1881 (respondent Nos.5 and 6 in the present case), have been declared as proclaimed persons and direction has been given to register an FIR under Section 174-A of the Indian Penal Code, 1860.

Learned counsel for the petitioner has submitted that the petitioner has given a representation dated 14.12.2021 (Annexure P-4) to respondent No.3- Commissioner of Police, Ludhiana, in which, detailed facts with respect to passing of order dated 18.10.2021 in proceedings under Section 138 of the Act of 1881 have been brought to the notice of respondent No.3 and prayer has been made for complying with the same. It is further submitted that the accused persons are residing and working at the addresses which have been given in the complaint/representation itself.

Learned counsel for the petitioner has stated that the petitioner

would be satisfied at this stage, in case the present petition is disposed of with the direction to respondent No.3 to look into the representation dated 14.12.2021 (Annexure P-4) and after enquiring into the whole aforesaid aspect, take appropriate action in accordance with law.

Notice of motion to respondent Nos.1 to 4 only.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 4 and has submitted that he has no objection in case respondent No.3 is directed to look into the representation dated 14.12.2021 (Annexure P-4) and take appropriate action, in accordance with law.

Keeping in view the abovesaid facts and circumstances of the present case, this Court direct respondent No.3-Commissioner of Police, Ludhiana to look into the representation dated 14.12.2021 (Annexure P-4) and after making necessary enquiries, respondent No.3 shall take appropriate action in accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioner and it would be open to respondent No.3 to make his independent enquiry/assessment with regard to the said representation.

In view of what has been observed hereinabove, the present petition is disposed of in the abovesaid terms.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioner, if involved in any case.

28.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No