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

CRM-M-17210-2022

Date of decision : 26.04.2022

Dhaminder Jha

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kehar Singh Hissowal, 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 respondent No.2 to consider representation dated 15.02.2022 (Annexure P-3).

Learned counsel for the petitioner has submitted that the petitioner, in the present case, is restricting his prayer with regard to issuance of written notice under Section 160 of Cr.P.C. before being called to the Police Station in any complaint filed by respondent Nos.4 and 5. It is further submitted that respondent Nos.4 and 5 had earlier filed a complaint, in which, an enquiry was conducted and as per the enquiry report dated 18.02.2022 (Annexure P-1), the police had filed the complaint. It is contended that in the representation dated 15.02.2022 (Annexure P-3), it has been mentioned by the petitioner that he is being repeatedly called at the Police Station on the complaint moved by respondent Nos.4 and 5. It is further contended that neither the petitioner is involved in any criminal case

nor any FIR has been registered against him.

Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of respondent No.1 to 3 and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and submitted that in case, there is no FIR registered against the petitioner and is not involved in any criminal case, then, the procedure as contained in Section 160 of Cr.P.C. would be followed, in accordance with law.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that the petitioner, as per his version, is not stated to be involved in any criminal case nor there is any FIR pending, the present petition is disposed of with directions to the official respondents to issue written notice under Section 160 of Cr.P.C. to the petitioner, in case, he is required in any enquiry with respect to complaint submitted by respondent Nos.4 and 5.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

It is made clear that in case, the petitioner is involved in any other criminal case or there is FIR registered against him, then the present order would not ensue any benefit to the petitioner.

26.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No