

129

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

CRM-M-18096-2022

Date of decision : 29.04.2022

Arshdeep Narula and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. S.S. Ranghi, Advocate for the petitioners.

Mr. Sukhbeer Singh, 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 respondent Nos.1 to 3 to follow the provisions of Section 160 of Cr.P.C. while conducting investigation/inquiry for requiring the attendance of the petitioners in connection with FIR No.92 dated 23.04.2022 registered under Section 346 of the Indian Penal Code, 1860 at Police Station Haibowal, Police Commissionerate, Ludhiana, District Ludhiana.

Learned counsel for the petitioners has submitted that in the present case, FIR has been got registered on the statement of Prachi Mahajan-respondent No.4 against unknown persons on the allegations that her husband and her son are missing and on the suspicion that some

unknown persons have kept her husband-Milind Kwatra and her son-Heyansh Kwatra confined for some personal purpose.

Learned counsel for the petitioners has further submitted that the husband of respondent No.4 had given a representation dated 21.04.2022 (Annexure P-2) in which, he had stated that there was a quarrel between him and his wife and his son was already residing with him. It is contended that petitioner No.1 is only the business partner of husband of respondent No.4 and petitioner Nos.2 and 3 are the parents of the said Milind Kwatra. It is further contended that neither they are accused in the FIR in question, nor they are required in any other criminal case. It is further argued that the petitioners are being called to the Police Station in connection with abovesaid FIR No.92 dated 23.04.2022, without issuance of written notice under Section 160 of Cr.P.C.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the State 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 they would proceed in accordance with law.

Keeping in view the abovesaid facts and circumstances, moreso, the case of the petitioners that they are not accused in the abovesaid FIR No.92 dated 23.04.2022 and also the fact that they are not involved in any other criminal case, the present petition is disposed of with directions to official respondents to issue written notice under

Section 160 of Cr.P.C. before calling the petitioners for the purpose of enquiry in FIR No.92 dated 23.04.2022 registered under Section 346 of the Indian Penal Code, 1860 at Police Station Haibowal, Police Commissionerate, Ludhiana, District Ludhiana.

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

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

29.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No