

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRM-M-37720-2017
Decided on :14.07.2022

Balwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Kanwal Goyal, Advocate
for respondent No. 4.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. with a prayer for handing over the enquiry into the complainants dated 24.04.2015 and 28.04.2015 (Annexures P-3 and P-4 respectively) to an independent agency, with a further prayer for registration of a criminal case and to take appropriate action against the persons as have been detailed in the complaint i.e. respondents No. 4 to 11 and also for protection of the life and liberty of the petitioner.

Learned counsel appearing for respondent No. 4 has submitted that prior to the filing of the present petition, CRM-M-6215-2016 was filed in which the present petitioner was petitioner No. 2 and the respondents No. 4 to 11 herein were impleaded as respondents No. 8

to 15 respectively and the said case was also filed on the basis of the same averments/allegations and the prayer made in the said petition was also for protection of life and liberty and also to take legal action against the private respondents. The entire petition has been annexed as Annexure R-4/2 and a perusal of the said petition would show that the copy of the civil suit/complaint, the complaint dated 24.04.2015 and 28.04.2015 as well as the order dated 05.05.2015 were also placed on record in the said case as Annexure P-1 to Annexure P-5. It is further submitted that the complaints dated 24.04.2015 and 28.04.2015, which are sought to be enquired into in the present petition, were also annexed with the abovesaid petition and when the said petition came up for hearing before a coordinate Bench of this Court, on 06.10.2017, the following order was passed in the same:-

“Kuldip Singh, J. (Oral)

Learned counsel for the petitioners after arguing for sometime, wishes to withdraw this petition with liberty to approach the Magistrate seeking appropriate prayer.

Dismissed as withdrawn with aforesaid liberty.

06.10.2017

*Sd/-
(Kuldip Singh)
Judge”*

It is argued that the petitioner, without disclosing the filing of the said petition or the abovesaid order, has chosen to file the present petition and the same is a complete abuse of the process of law.

Learned counsel for the petitioner has not been able to

rebut the abovesaid facts.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that the earlier petition as well as the order passed in the earlier petition was not even disclosed by the petitioner, the present petition is dismissed.

(VIKAS BAHL)
JUDGE

July 14th,2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No