238-a IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47991-2018
Date of Decision: September 08, 2022

Sandeep Kumar and others **…Petitioners**

Versus

State of Punjab and others **…Respondents**

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioners.
Mr. Kamal Preet Bawa, AAG, Punjab.
Mr. Munish Puri, Advocate for respondent No.5.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for seeking direction of respondent Nos.1 to 4 to file the status report on the complaint dated 31.07.2018 (Annexure P-7) as well as complaint dated 28.03.2018 (Annexure P-5) made by the petitioners with a further prayer to direct respondent Nos.2 and 3 to look into and decide the aforesaid complainants.

Notice of motion was issued in this case on 30.10.2018. Pursuant thereto, short reply by way of affidavit dated 11.03.2020 of Sulakhan Singh (PPS), Deputy Superintendent of Police, Sub Division, Rural, Pathankot has been filed.

With regard to complaint dated 28.03.2018 (Annexure P-5), learned State counsel refers to para No.3 of the said reply, the relevant portion of which reads as under:-

> "---- Therefore Davinder Singh, PPS, then Deputy Superintendent of Police, Rural, District Pathankot conducted the fair and impartial enquiry and concluded that Shiva Kalotra had made a false comment regarding petitioner Sandeep Kumar and his brothers on Facebook,

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WhatsApp and Instagram. The case is found to be malicious harassment of the applicant and his family by misrepresentation on social media. The applicant be directed to file a defamation case against Shiva Kalotra before the concerned Court. So the application is to be filed. On 09.11.2018, Davinder Singh, PPS, then Deputy Superintendent of Police, Rural, District Pathankot send the report to the Senior Superintendent of Police, Pathankot send the report to the Senior Superintendent of Police, Pathankot for approval and the same was approved by the Senior Superintendent of Police, Pathankot. The Enquiry Report is annexed as Annexure R1/T.*"*

With regard to complaint dated 31.07.2018 (Annexure P-7), learned State counsel refers to para No.8 of the said reply, which reads as under:-

"8. It is pertinent to mention that the as per record, police department has not received complaint dated 31.07.2018 (Annexure P 7) from the petitioner Sandeep Kumar. The same is related with the IGP, Cyber Crime Branch, Phase-4, SAS Nagar, Mohali."

Learned State counsel submits that in view of aforesaid para Nos.3 and 8 of the reply, the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further order is required to be passed in the matter. Accordingly, the present petition stands disposed of as having been rendered infructuous.

However, the petitioners are at liberty to avail the alternative remedy available to them, in accordance with law.

September 08, 2022 **(AMAN CHAUDHARY)**
sarita **JUDGE**

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

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