

102

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

**CWP No.17542 of 2021 (O&M)
Date of Decision: 29.04.2022**

RAMNIWAS

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Narender Pal Bhardwaj, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this writ petition for the issuance of an appropriate writ, order or direction in the nature of mandamus directing the respondents to conduct *denovo* investigation in FIR No.0146 dated 03.05.2021 registered under Sections 120-B/420/467/468/471 IPC at Police Station Gohana Sadar District Sonipat.

Admittedly, a cancellation report has been prepared on 25.01.2022 and the same has been submitted to the competent Court on 07.04.2022. In fact the FIR was lodged at the instance of the petitioner though in the FIR, the complainant has been

shown to be Raj Kumar Makkad, who is State Commissioner for Persons with Disabilities, Haryana, Social Justice and Empowerment Department. It appears that due to the aforesaid nomenclature shown in the FIR, notice has not been issued to the petitioner in respect of cancellation report submitted by the Police.

Learned counsel for the petitioner submits that the Police has not investigated the case properly owing to the posting of cousin brother of the accused in the same Police Station. Ajit Singh is having locomoter disability. He has obtained disability certificate as well as driving licence.

With reference to some evidence, learned counsel for the petitioner further submits that either the disability certificate obtained by the aforesaid accused Ajit Singh is forged or the driving licence obtained by him is the result of fraud. The Police has not investigated the case with reference to collection of necessary evidence from the concerned quarter.

In view of facts and circumstances of the case, the petitioner, who in my considered opinion is the real complainant, would be at liberty to file protest petition for which the *Illaq*a Magistrate is directed to issue necessary notice to him. On receipt of cancellation report, the petitioner would be at liberty to act in accordance with law.

Learned State counsel however submits that the petitioner has also filed independent criminal complaint in this context.

As of now, the petitioner is having alternative remedies i.e. either to file protest petition in accordance with law or to seek further investigation under Section 173(8) Cr.P.C. with the leave of the Court in accordance with law or to press for his independent criminal complaint in accordance with law.

In view of availability of alternative remedies to the petitioner, no interference is called for in this writ petition.

Petition stands disposed of with the aforesaid liberty.

April 29, 2022	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No