

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

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CRM-M-41634-2022

Date of Decision : **September 12, 2022**

JATINDERPAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Yagsimant Attri, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for seeking directions to respondents No. 1 to 5 to arrest the respondents No.6 to 27 who are accused in FIR No.273 dated 25.11.2021 under Sections 406, 420 and 120-B IPC, Police Station City Tarn Taran and to submit the final report under Section 173 Cr.P.C.

The learned counsel for the petitioner has submitted that in the present case the petitioner had made an agreement with some of the owners of the land whose lands were to be acquired in future and when their land was acquired then they received the entire compensation alongwith the partner of the present petitioner and they did not pay any money to the petitioner in violation of the agreement entered into between the parties. He submitted that in this way cheating was committed upon the petitioner and, therefore, an enquiry was conducted by the SSP by which the present FIR under Sections 406, 420 and 120-B IPC has been lodged against the private respondents. He further

submitted that almost 9 months have elapsed that the accused have not been arrested and the final report has also not been submitted in the Court and rather the petitioner is being repeatedly called in the SP Office for further investigation. He submitted that therefore, directions be issued in this regard.

I have heard the learned counsel for the petitioner.

There are two fold prayers made by the learned counsel for the petitioner. (1) to arrest the accused, (2) to submit the report under Section 173 Cr.P.C. There is an additional prayer also made with regard to protection of life and liberty to the petitioner.

The grievance of the petitioner was that he made an agreement with some of the owners of the land whose land was scheduled to be acquired and when the land was acquired the money was taken by the owners and they did not give any money to the petitioner. Apparently, the dispute is pertaining to breach of an agreement. Still an FIR has been lodged under Sections 406, 420 and 120-B IPC. So far as the first prayer made by the petitioner with regard to seeking the arrest of the accused is concerned, the same is totally misplaced and unsustainable. When the matter is under investigation, no such blanket direction can be issued in such kind of manner to arrest the accused since it is in the wisdom of the police to decide and record reasons in view of the judgment of the the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar and anr, 2014(8) SCC 273** as to whether persons should be arrested or not and, therefore, the first prayer of the petitioner is totally misconceived and contrary to law. So far as the second prayer made by

the petitioner is concerned that directions be issued for submission of final report, again this aspect cannot be gone into by this Court since it is for the police to complete the investigation according to their own wisdom unless some kind of malafide is shown on the face of it. Apart from the same, if the investigation is not being carried out in a fair and proper manner then the remedy of the petitioner is to approach the Illaqa Magistrate. Therefore, instead of approaching this Court for seeking such kind of directions for any kind of fair investigation, the petitioner ought to have approached the Illaqa Magistrate for that purpose. So far as the additional prayer of the petitioner that the petitioner is being constantly threatened and there is need to seek protection of life and liberty is concerned, the learned counsel for the petitioner has referred to Annexure P-8 whereby the petitioner has stated in the complaint to the SSP Tarn Taran that the private respondents are constantly threatening him and telling him that they do not care about any FIR. However, a perusal of the same would show that such an apprehension of threatening to life and liberty is totally vague. Neither any date nor any time has been mentioned but only bald allegations have been made. Such kind of vague allegations have no significance at all.

In view of the aforesaid position, the present petition is devoid of any merit and is, therefore, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

September 12, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No