

110

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

CRM-M-46449-2021 (O&M)

Date of decision: 31.01.2022

JAIMAL SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. K.P. Singh, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

CRM-2644-2022

1. The instant application filed for placing on record Annexures P-3, and, P-4.
2. For the good, and, valid reasons recorded in the application, the same is allowed, and, annexures P-3, and P-4, are taken on record subject to all just exceptions.

Main case

1. The petitioner is alleged to commit an offence carried in FIR No. 224, registered on 01.09.2020, and, registered at PS Chattiwind, District Amritsar.
2. However, during the course of the penal occurrence embodied in the FIR (supra), the petitioner also is alleged to be subjected to penal misdemeanor(s), hence by the complainant in FIR (supra). Since the police did not, despite the petitioner reporting about the penal misdemeanor, as,

perpetrated upon him, during the course of the principal penal transaction, and, in respect whereof FIR (supra), was lodged, rather either enter it in the apposite register nor hold fair investigation thereinto. Therefore, he was constrained to institute CRM-M-30372-2020. When the above CRM-M-30372-2020 was listed before this Court, it was on 29.09.2020, disposed of with the hereinafter extracted order.

“Learned counsel for the petitioner contends that although the petitioner had filed a complaint on 18.08.2020, as he had sustained injuries in the occurrence, but no action has been taken by the police officers. He has referred to the copy of the MLR at Annexure P1. He also contends that the petitioner has sent representation (Annexure P2) on 20.08.2020 in this regard to the Senior Superintendent of Police (Rural), Amritsar (respondent No. 2), who may be directed to consider and decide the same in accordance with law.

Issue notice to the respondents.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of respondents No. 1 to 4.

The petition is disposed of with a direction to the Senior Superintendent of Police (Rural), Amritsar (respondent No. 2) to look into the representation (Annexure P2) and take action, if necessary, in accordance with law.”

3. It is averred in paragraph No.6 of the petition, that the police agency has on 02.03.2021 instituted a DDR against the complainant, who instituted FIR (supra). Both the FIR, and, DDR appertain to the same or similar penal transaction.

4. Though, through the lodging of DDR (supra), the grievance of the aggrieved petitioner against the informant complainant in FIR (supra) becomes mitigated, and, may also sequel the making of further investigation thereintos,

by the police agency concerned. However, the learned counsel for the petitioner argues, that the cross-version concerned, as embodied in the DDR, may not sequel, the deployments by the investigating agency concerned, of all investigative tools hence for a fair and impartial inquiry being conducted into the cross-version, as, contained in DDR No.014. The aforemade submission is mis-founded, and, cannot be accepted. The reason being, that the cross-version of the accused in the principal FIR (supra), and, as embodied in the DDR concerned, is imperatively required to be investigated into by the investigating officer concerned, and, after a conjoint investigation being made both into the FIR, and, into the DDR, the investigating officer is required under law to file an apposite report, under Section 173 Cr.P.C., before the learned Magistrate concerned.

5. Consequently, the mere naming of any cross-version, as a DDR, may not, as submitted by the learned counsel for the petitioner, forbid the investigating agency to make investigation thereinto nor forbids the investigating agency concerned, to make a conjoint investigation into the DDR, and, into the FIR concerned, and/or does not preclude the investigating agency concerned, to file a report in respect of both, hence before the learned Judicial Magistrate concerned. Furthermore, there is no bar visiting the learned Judicial Magistrate concerned, against assumption of cognizance, upon both the FIR, and, the DDR concerned, and, rather the learned Judicial Magistrate concerned, after assuming valid cognizance thereons, can proceed to conduct a trial in accordance with law, both qua the FIR, and, qua the DDR.

6. Necessarily hence, the aforemade observations ,do not sustain, the arguments addressed before this Court, by the learned counsel for the petitioner, that the cross-version, as, embodied in the DDR concerned, is not an adequately

re-coursed procedure by the investigating agency concerned, to make investigations thereinto.

7. In aftermath with the observations (supra), the petition is disposed of. Obviously with a direction to the investigating officer concerned, to hold investigation into the DDR, and, also in the FIR (supra), if not already complete, and, if the report under Section 173 Cr.P.C., with respect to the FIR (supra) is already instituted before the learned Judicial Magistrate concerned, he is directed to also investigate the DDR, and, to thereafter in accordance with law file a report under Section 173 Cr.P.C., before the learned Judicial Magistrate concerned. Consequently, the learned Judicial Magistrate concerned, is directed to assume cognizances thereons, and, to proceed to hold in accordance with law, conduct trial of the FIR (supra), and, the DDR concerned.

8. Disposed of.

9. Pending miscellaneous application(s), if any, stand(s), disposed of.

31.01.2022

ithlesh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:

Yes/No