

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-39357-2019 (O&M)

Date of decision: 22.11.2022

SUKHJINDER KUMAR

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Dr. Govinder Singh Brar, Advocate
for the petitioner.

Mr. Amit Shukla, AAG Punjab.

Ms. Aditi Girdhar, AAG Haryana.

Mr. Gursimranjit Singh, Advocate
for respondent No.6.

AMAN CHAUDHARY. J.

Present petition has been filed for seeking direction to take legal action against the private respondent proprietor, Commission Agent of Diwan Chand Ramesh Kumar and not to harass the petitioner at the instance of private respondents.

Notice of motion in this case was issued on 19.09.2019, pursuant thereto State of Punjab has filed status report dated 02.11.2022 by way of affidavit of Balkar Singh, PPS, Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib. Learned State counsel makes a reference to para 3 of the same, which reads thus:-

“3. That it is submitted that the petitioner had moved a complaint/application dated 02.09.2019 (Annexure P-1) to the S.S.P.. Sri Muktsar Sahib (received in the office of the S.S.P., Sri Muktsar Sahib on 23.09.2019) in which he levelled allegations of cheating, etc. against the private respondent No.6. The allegations levelled in the present petition are

similar to those contained in the said complaint. The S.S.P., Sri Muktsar Sahib marked the said complaint to the D.S.P. (Inv.), Sri Muktsar Sahib for enquiry who conducted the enquiry and submitted the enquiry report. The enquiry report No.380/PC.Reader/DSP (D) dated 03.01.2020 was also approved by the S.S.P., Sri Muktsar Sahib.

During the enquiry, it was found that the respondent No.6 Ramesh Kumar is running the business of commission agent/ahrat at Dabwali (Haryana) in the name of Diwan Chand Ramesh Kumar and the petitioner who is the resident of vill. Fatta Khera, Tehsil Malout, Distt. Sri Muktsar Sahib was having ahrat (commission agent) with said firm in the year 2014. The parties had money transaction at mandi Dabwali (Haryana) and the parties are having bank account with Oriental Bank of Commerce, Branch Mandi Dabwali (Haryana). Besides above, the parties are also litigating in the courts in Haryana. Since the alleged occurrence took place at Mandi Dabwali (Haryana), so the S.S.P., Sri Muktsar Sahib sent the complaint in question to the S.P., Sirsa (Haryana) vide letter No. 1954-PC4/19 dated 06.01.2020 for doing the needful.”

State of Haryana was impleaded in this case vide order dated 14.09.2022, pursuant to which learned counsel for the State of Haryana states that the matter was inquired into at the level of DSP, Dabwali and statement of the parties were recorded and no substance was found in the complaint as the dispute was civil in nature inter se the parties.

Faced with this, learned counsel for the petitioner prays for withdrawal of the petition with liberty to avail of alternate remedy available to him in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

(AMAN CHAUDHARY)
JUDGE

November 22, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>