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

CRM-M-46414-2022

Date of Decision: 13.12.2022

Ninder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gurjant Singh, Advocate for
Mr. Parveen Chauhan, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure seeking a direction to respondent Nos.2 & 3 to take action against respondent Nos.4 to 9 by considering the representation dated 03.05.2022 (Annexures P-4).

Learned counsel for the petitioner has submitted that a representation has been moved to the Senior Superintendent of Police, Tarn Taran vide Annexure P-4 on 03.05.2022 but no action has been taken in this regard and has prayed that the direction may be issued to the SSP to decide the representation. He further submitted that the private respondents have beaten up the petitioner and the dispute was with regard to possession of the property, and therefore, action be taken against the private respondents.

I have heard the learned counsel for the petitioner.

A perusal of Annexure P-3, which has been attached along with the present petition would show that earlier the petitioner also appear to

have moved an application/complaint to the concerned Police officials and vide Annexure P-3, the report of the Deputy Superintendent of Police, Sub Division, Bhikhiwind in which it has been so stated that the investigation reveals that the petitioner, namely, Ninder Singh under the influence of someone is moving complaints and is disrupting the village community and rather, the day on which the fight had happened, the injuries were caused to one Sarabjit Singh by the petitioner-Ninder Singh and his sons and the allegations were made by the petitioner have not been proved. The relevant portion of the findings of the Deputy Superintendent of Police, Sub Division, Bhikhiwind is as under:-

“The investigation reveals that above said Ninder Singh under the influence of someone, is moving complaints and is disrupting the village community. He has dispute only to 1½ marlas and he sustained no injury. The day in which the fight was happened, on that day injuries were caused to Sarabjit Singh by Ninder Singh and his sons. Compromise was made by Sarabjit Singh at the instance of Panchayat of village. An incomplete video has gone viral by Ninder Singh, in which he did not reveal his role. Neither Allegations have been proved leveled in complaint and nor it has been verified that anyone uttered any racial slurs against Ninder Singh's caste.”

So far as the representation (Annexure P-4) is concerned, the same is dated 03.05.2022, which is purported to have been given to Senior Superintendent of Police, Tarn Taran, but there is nothing on the record to show as to by what method i.e. by registered post or diary number or email or any other mode, the same has been given. Although vernacular of the

complaint has been attached in the Paper-book but a perusal of the same as well as the contents of the petition, nothing is revealed as to by what method the said representation (Annexure P-4) has been given.

The present petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of the directions to respondent Nos.2 & 3 for taking action but before filing the present petition, the petitioner has not moved any kind of complaint etc. before the concerned authorities, and therefore, the present petition would not be maintainable.

In view of the aforesaid facts and circumstances, finding no merit in the present petition, the same is hereby dismissed.

13.12.2022

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |