

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214)

CRM-M-53026-2021

Date of decision: - 04.02.2022.

Karun Kaura

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kanwalvir Singh Kang, Advocate,
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for issuance of direction to respondents No.2 and 3 not to conduct multiple inquiries on the identical issue pertaining to contractual dispute of the petitioner with respondent No.4.

On 17.12.2021, this Court was pleased to pass the following order: -

“Learned counsel for the petitioner inter-alia contends that in the present case, a civil dispute is sought to be given a criminal colour and even with respect to the complaint filed by respondent No.4, a detailed inquiry was held by the Superintendent of Police, Patiala and in the inquiry report dated 02.08.2021 (Annexure P-14), it has been

found that the dispute between the parties was of civil nature, as both the parties were leveling the charge of breach of agreement. It is submitted that on the basis of the same verbatim complaint, fresh summons have been issued to the petitioner on 02.12.2021 (Annexure P-16) by the Incharge, CIA, Patiala and it is submitted that the same is in violation of the circular (Annexure P-17) issued by the Director, Bureau of Investigation, Punjab, Chandigarh and specifically, clause 5.1 of the said circular. It is also submitted that in the present case, in fact the petitioner had filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996 against his distributors including respondent No.4, seeking ad interim relief and the said petition was filed on 17.02.2021 in which the respondent No.4 is not deliberately appearing and the petitioner has also initiated proceedings under Section 11 (6) of the Arbitration and Conciliation Act, 1996 and has, thus, submitted that the present proceedings sought to be initiated are completely an abuse of the process of Court.

Notice of motion for 22.12.2021.

Mr. Sarabjit S. Cheema, AAG, Punjab, accepts notice on behalf of respondent Nos.1 to 3. He is directed to file status report by way of affidavit of respondent No.2 on or before the adjourned date.

The respondent-State is also directed to place on record a copy of the complaint on the basis of which, the summons (Annexure P-16) have been issued. Additionally, it is directed that in case the petitioner or any of the persons on behalf of the petitioner approaches respondent No.3 for a copy of the complaint on the basis of which the summons (Annexure P-16) have been issued, the same be supplied by respondent No.3 to the petitioner or their representative.”

Learned counsel for the petitioner and learned State counsel have pointed out that as per paragraph 8 of the status report by way of affidavit filed on behalf of respondents No.1 to 3, it has been stated that due to inadvertence the present application was marked to Incharge CIA staff Patiala, in routine and necessary care will be taken in future, so that no prejudice be caused to the petitioner.

Learned counsel for the petitioner has submitted that in view

of the stand taken in the above-said status report, the present petition has been rendered infructuous.

In view of the status report as well as the statement of learned counsel for the petitioner, the present petition is disposed of as infructuous.

February 04, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No