

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRWP-649-2023 (O&M)
Decided on :17.04.2023

Manish Malhotra

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Anshul Sharma, Advocate for the petitioners.

Mr. J. S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. In the present petition, on 23.01.2023 following order was passed:-

“Prayer in the instant petition filed under Article 226 of the Constitution of India, is for issuance of directions to official respondents to provide protection of life and liberty to the petitioner, at the hands of private respondent No. 4.

Learned counsel for the petitioner submits that though, the dispute raised by respondent No. 4 is of civil nature, yet one of the official from the office of respondent No. 3 is harassing the petitioner for fulfilling the illegal demands. Counsel refers to the averments taken in paragraph No. 12 of the present petition, which says as under:

“12. That one of the official from the office of respondent no. 3 namely Gurmail Singh stating himself to be reader of respondent no. 3 using mob. No. 99159-40759 is time and again calling and harassing the petitioner and the petitioner is under stress and apprehension that he will be implicated in a false and malicious case at the behest of respondent no. 4.”

Notice of motion to respondents No. 1 to 3 only, at this stage.

On asking of the Court, Mr. Anmol Singh Sandhu, AAG, Punjab, accepts notice on behalf of respondents No. 1 to 3 (State). He seeks time to file status report.

Adjourned to 13.03.2023. ”

2. Today, status report dated 14.04.2023 by way of affidavit of Gurpreet Singh, PPS, Superintendent of Police, Sub Division Shahkot,

District Jalandhar (Rural) has been filed by learned State counsel on behalf

of respondents No. 1 to 3. Same is taken on record. Registry is directed to tag the same at appropriate place.

Copy thereof has already been handed over to learned counsel for the petitioner.

3. Learned State counsel refers to paragraphs No. 5 and 6 of the said status report and submits that in view of the fact that complaint has been moved by respondent No. 4, it was examined by Senior Superintendent of Police (Investigation Officer), Jalandhar Rural and report submitted by him. It has been recommended that matter being of civil nature, compliant requires to be consigned to the record room.

Said paragraphs No. 5 and 6 says as under:-

“5. That it is respectfully submitted that the above-said complaint has been enquired into by the Superintendent of Police (Investigation), Jalandhar (Rural) and during the course of enquiry, the following facts have been revealed:-

i) The statement of the above-said complainant has been recorded by the Police wherein he has stated that the petitioner has given him a verbal order of about 7000/- bags (Seven Thousand bags) of paddy in November, 2021. Upon which, the complainant had sent 2315 quintals of paddy to the petitioner Manish Malhotra on different dates in 8 trucks. The total amount of which was Rs.36,36,762/- (Thirty six lakhs, Thirty Six Thousand, Seven Hundred and Sixty Two).

ii) The complainant has further stated that the petitioner paid him only Rs. 12,14,000/- (Twelve Lakh and Fourteen Thousand) and the petitioner refused to pay the outstanding amount of Rs.24,22,762/- (Twenty Four lakh, Twenty Two Thousand, Seven Hundred and Sixty Two).

iii) The statement of the petitioner Manish Malhotra has been recorded by the Police through his Attorney Holder namely Pawan Kumar i.e Accountant of the firm of the petitioner and he has stated in the statement that he is working as Accountant in the MR Rice Mills Pvt Limited' located at Tehsil Shahkot, District Jalandhar. It has been further stated that no purchase of paddy was made by their firm from the complainant during the paddy season in the year 2021 and no payment was made by their firm to the complainant

iv) The Police have recorded the statements of the

witnesses i.e Truck drivers who have allegedly transported the paddy bags to the firm of the petitioner. The said witnesses have stated in their respective statements that they have loaded the alleged paddy bags in their trucks and transported the same to the firm of the petitioner.

v) The complainant and his witnesses have produced the copies of the alleged receipts regarding the delivery of alleged paddy bags to the petitioner. However, the Accountant of the petitioner namely Pawan Kumar has denied the said receipts by stating that the said receipts were not issued by their firm to the complainant.

vi) The Police have reached to the conclusion that the dispute between the above-said complainant and the petitioner is regarding the payment of money and the said dispute is of civil nature.

6. That it is respectfully submitted that in view of the above- said facts, a report has been submitted by the Superintendent of Police (Investigation), Jalandhar (Rural) to the Senior Superintendent of Police, Jalandhar (Rural) recommending therein to consign the above said complaint as the dispute between the above-said complainant and the petitioner has been found to be of civil nature. The said report has been approved by the Senior Superintendent of Police, Jalandhar (Rural). Copy of the report is enclosed herewith and True English Translation of the same is being appended herewith as annexure R-1/T.”

4. In view of the status report and the facts as referred here-in above, learned counsel for the petitioner submits that he does not want to press the instant petition for the time being and seeks withdrawal of the same.

5. Dismissed as withdrawn, at this stage.

(SANJAY VASHISTH)
JUDGE

17.04.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No