

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3318-2021

Date of decision:01.12.2023

Harjit Singh and another

...Petitioners

V/s.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Bhupinder Banga, Advocate for the petitioners.

Mr. Navdeep Chhabra, Sr. DAG, Punjab.

**Mr. R.Kartikeya, Ms. Ridhi Bansal and
Ms. Sidhi Bansal, Advocates for respondent No.2.**

Mr. M.S.Dhami, Advocate for respondent No. 5.

Ritu Bahri, Acting Chief Justice (Oral).

The petitioners are seeking issuance of an appropriate writ, order or direction for quashing impugned order dated 01.12.2020 (Annexure P-6) whereby Punjab State Human Rights Commission has given direction to Director Bureau of Investigation, Punjab, Chandigarh for conducting an inquiry and to submit a report.

Learned counsel for the petitioners submits that as per the interim order dated 12.02.2021 passed by this Court, the re-enquiry proceedings have been kept in abeyance.

Learned counsel for respondent No. 5-complainant has informed that private complaint has been filed by respondent No. 5-complainant in which the proceedings have been initiated by the Criminal Court. The said complaint is pending at the stage of preliminary evidence

and is fixed for 01.12.2023 before the Judicial Magistrate, First Class, Garhshankar.

Learned counsel for the petitioners has referred to order dated 25.01.2019 (Annexure P-3) passed by Id. Additional Civil Judge, Senior Division, Garhshankar whereby the suit for permanent injunction restraining the defendants from selling kothi, has been dismissed. He further submits that no appeal has been filed against the said order.

In the facts of the present case, private complaint has already been filed by respondent No. 5 and in the earlier enquiries done as per enquiry report dated 10.04.2018 (Annexure P-2), letter dated 04.02.2021 (Annexure P-4) and photocopy of enquiry report dated 09.12.2019/10.12.2019 (Annexure P-5), the petitioners have been found innocent and no FIR has been registered against them. Moreover, there is no occasion to get the fresh enquiry conducted pursuant to order dated 01.12.2020 (Annexure P-6).

Keeping in view the above facts, writ petition is allowed and the impugned order dated 01.12.2020 (Annexure P-6) is set aside.

It is made clear that the Criminal Court examining the private complaint will not be influenced by this order.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

01.12.2023

Divyanshi

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No