

CRM-M-15591-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

251

CRM-M-15591-2021

Date of decision: 19.07.2023

Dinesh Jain

....Petitioner

V/s

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Abhishek Sethi, Advocate for the petitioner.

Mr. Karan Garg AAG Haryana.

Dr.Deipa Singh, Advocate for respondent No.4.

ARUN MONGA, J. (Oral)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking a direction to the official respondents to obtain permission of the competent Court before undertaking any further investigation in case FIR No.662 dated 28.06.2015 (Annexure P-2), under Sections 420, 406, 120-B registered at Police Station, Chandni Bagh, Panipat.

2. Learned counsel for the petitioner submits that the matter in hand pertains to a dispute over a plot which had initially been sold by respondent No.5-Dushyant Kumar to petitioner-Dinesh Jain and that Dinesh Jain subsequently entered into an agreement with respondent No.4-Satbir Garg for sale of the said plot. Learned counsel further argues that subsequently respondent No.5 filed a civil suit against petitioner as well as respondent No.4 claiming himself to be the owner but the said suit came to be dismissed vide judgment and decree dated 26.09.2019 (Annexure P-1).

2.1. Learned counsel for petitioner would further submit that meanwhile respondent No.4-Satbir Garg also lodged an FIR against the petitioner as well as respondent No.5 which was thoroughly investigated and cancellation report dated

CRM-M-15591-2021

04.12.2015 (Annexure P-3) was presented which was accepted vide order dated 25.1.2016 (Annexure P-4) passed by learned Additional Chief Judicial Magistrate, Panipat.

2.2. Learned counsel for petitioner further canvasses that despite the matter having been investigated and the FIR having been cancelled vide order dated 25.1.2016 (Annexure P-4), respondent No.4 has again been presenting applications to the police and that one such application/complaint dated 21.10.2020 (Annexure P-5) has been presented to Inspector General of Police, Karnal and another application/complaint (Annexure P-9) pertaining to the same plot in question has been presented to Economic Offences Cell, Panipat. Even respondent No.5 has moved application/complaint dated 19.02.2021 (Annexure P-7) to Superintendent of Police, Panipat and that on the basis of such application petitioner has been receiving notices for his presence.

2.3. Learned counsel for petitioner further urges that once the matter has been thoroughly investigated and has been set at rest, no such further investigation in the matter is warranted under law and that filing of such application in other District or before the other forum is an abuse of process of law.

3. Per contra, learned State counsel, assisted by learned counsel for respondent No.4, submits that petitioner is not entitled to any relief in the present petition.

4. Arguments heard.

5. From para 7 of the status report dated 09.08.2021 filed by the prosecution, it is borne out that both the parties have been indulging in filing cross complaints against each other *qua* a dispute which is stated to be otherwise civil in nature. It was in this premise that even on an earlier occasion, a complaint was filed against the petitioner. After conducting preliminary inquiry, an FIR was though registered but after thorough investigation, no case was made out and a

CRM-M-15591-2021

cancellation report was submitted before the competent Court. The said cancellation report dated 25.01.2016 (Annexure P-4), was accepted by Ld. Additional Chief Judicial Magistrate, Panipat. After a lapse of 4 years, it appears that a complaint on the same allegations, as were earlier preferred, has been filed by respondent No.4 against the petitioner and the petitioner apprehends that the police officials may reopen the earlier FIR, on the basis of fresh complaint now filed again on the same cause of action.

6. I am of the opinion that the apprehension of the petitioner is completely unfounded as once the cancellation report has been accepted by the competent Court, it is not open to the police officials to reinvestigate/further investigate the matter unless they seek permission from the Court which has accepted the cancellation report. In support of his contention, learned counsel has relied upon judgment of this Court titled *Anil Kumar vs. State of Haryana and others*¹.

7. In the premise, the petition is disposed of with expectation that in case any further action is required against the petitioner, necessary permission would be sought from the competent Court.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 19, 2023
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No

¹2016(3) RCR (Criminal) 808