

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

(252)

**CRM-M-17431-2022
Date of Decision: 04.12.2023**

Inderpal Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Anjali, Advocate, for
Mr. Naresh Jain, Advocate, for the petitioner.

Mr. P. S. Grewal, DAG, Punjab.

Mr. Devinder Lubana, Advocate, for respondent No.3.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, prayer is made for issuance of Mandamus upon the official respondents to take action against a complaint case No.3630P1722/DSPD filed way back on dated 16.03.2022, and also for taking legal action against the culprit.

This Court passed the following orders at the time of issuance of notice of motion:

“Through this petition, the petitioner seeks issuance of direction to the concerned Police to make an inquiry and take legal action in a complaint bearing No.3630P1722/DSPD dated 16.03.2022 (Annexure P-1), moved by the petitioner, against respondents No.3 to 5.

Learned counsel for the petitioner submits that respondent No.3 to 5, in connivance with each other, have misappropriated the Tipper bearing No.PB-03-BG-3564 Make Tata Motors, which belongs to the petitioner. He further submits that instead of issuing challan, for the violation made by the petitioner, respondent No.3, directed the petitioner to park the said tipper outside the petrol pump and took the keys, as would decipher from the photographs annexed with the

petition. Still further, it is submitted that the petitioner approached respondent No.3, in the presence of respondent No.5, for return of the tipper but respondent No.3 informed the petitioner that the tipper had been taken away by somebody and the same would be handed over later on.

Learned counsel for the petitioner further submits that respondents No.3 to 5 are in the habit of taking away the trucks/tippers from the people, for the purpose of selling the same to different persons. He further submits that the petitioner has an authentic proof with regard to the fact that his tipper has been sold by respondent No.3.

Notice of motion to respondents No.1 to 4 only, at this stage.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG Punjab, accepts notice on behalf of respondents No.1 to 4 only.

Learned counsel for the petitioner is directed to supply the complete set of paper book to the learned State counsel during the course of the day.

Adjourned to 13.05.2022.

Let an affidavit of the concerned Senior Superintendent of Police, be filed within 15 days from today, with an advance copy to the learned counsel opposite.”

2. In compliance of the aforesaid order, a detailed reply after conducting inquiry was filed. On perusal of the reply reveals that the allegation *per se* was found to be false.

3. Learned counsel for the petitioner, vehemently argued that he is a victim even at the hand of police. Under the garb of this inquiry, he has been invited to join inquiry and he gave the original RC to the Inquiry Officer concerned. However, the RC was misused and has not been returned to him and moreover his vehicle in question has now been illegally transferred to some other persons.

4. Be that as it may, this Court at this stage, cannot comment regarding veracity of the allegation as well as legality of the inquiry conducted by the police. The petitioner has a alternate remedy under the law which he can invoke by filing petition before the appropriate Court/forum.
5. Without commenting upon the merits of the case, the present petition is disposed of with liberty to the petitioner to approach appropriate authority/forum.
6. Disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

04.12.2023
anil

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