

(257) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9097-2022

Date of Decision:08.05.2023

Roshan Lal

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Ritesh Kumar Sharma, Advocate for
Mr. Manoj K. Sharma, Advocate for the petitioner.

Mr. Deepanjay Sharma, D.A.G. Punjab
for respondents No.1 to 4.

Mr. Jasjit Singh Chatrath, Advocate for
for respondents No.5 to 11

VINOD S. BHARDWAJ , J. (Oral)

The present writ petition under Article 226/227 of the Constitution of India has been filed for issuance of a writ, order or direction, especially a writ in the nature of mandamus directing respondents No.3 and 4 to take an appropriate legal action against respondents No.5 to 11 on the complaint dated 23.09.2020 made by the petitioner.

It has been averred in the present petition that respondent No.5 had given a complaint No.1651 dated 29.11.2018 to Senior Superintendent of Police, Jalandhar Rural against the petitioner and his family members regarding the commission of murder of some unknown boy. The local police conducted a detailed inquiry in which respondents No.5 to 11 had given evidence in favour of respondent No.5. Serious allegations had been levelled by respondents No.5 to 11 against the petitioner for committing murder. The said complaint was thereafter dismissed as no such occurrence had been found to have taken place and the petitioner has been declared to be innocent. A clean chit was also given to the

The petitioner had also got registered one FIR No.281 dated 02.10.2018 under Sections 384, 500, 506, 511 IPC at Police Station Phillaur, District Jalandhar against respondent No.5 and her family members and the said FIR is pending before the Court at Phillaur. Further, proceedings had been initiated against Gurpreet Singh son of Resham Kaur in the Court at SDJM Phillaur wherein he was declared as proclaimed person on 05.10.2019.

It was alleged that respondent-authorities have not conducted a fair investigation on the complaint dated 23.09.2020 made by the petitioner. Hence, the present petition was filed.

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar (Rural) has been filed on behalf of respondents No.1 to 4 wherein it has been stated as under:

“7. That it is respectfully submitted that the petitioner has further stated in the above-said complaints that the Police have enquired the above-said complaint bearing NO.1651/Peshi dated 29.11.2018 given by respondent No.5 against him and the same has been consigned by the Police since no substance has been found by the Police in the said complaint and the petitioner was given clean chit by the Police. Therefore, the petitioner has requested to take legal action against respondent No.5 and other private respondents since the said persons had been allegedly harassing the petitioner by giving false complaints against him.

8. That it is respectfully submitted that the above-said complaint bearing NO.687/PDGP dated 29.09.2020 has been enquired by the Police and during the course of enquiry, the following facts have emerged:

i) The petitioner has been asked to come and get his statement recorded to the Police and on 29.03.2021, the petitioner came to record his statement.

ii) It is pertinent to mention here that though the petitioner came to get his statement recorded on 29.03.2021, however, the petitioner has orally stated to the Police that he does not want to get his

statement recorded. Therefore, an entry in this regard was made by the Police vide DDR No.30 dated 29.03.2021, Police Station Phillaur, Jalandhar (Rural).

iii) The Police has recorded the respective statements of respondent No.5 i.e. Resham Kaur and her husband Hans Raj, Both residents of village Bachowal, Phillaur, Jalandhar (Rural).

iv) The Police have recorded the joint statement of the respectable persons of the village Bachowal, Tehsil Phillaur, District Jalandhar wherein the said persons have stated that the petitioner has got registered a FIR NO.281 dated 02.10.2018 under Sections 384, 500, 506, 511 IPC, Police Station Phillaur, Jalandhar (Rural) against the private respondents. It has been further stated that actually there is no dispute between the petitioner and the alleged persons. The petitioner and the alleged persons. The petitioner and the alleged persons are belonging to the different Political parties and therefore, they are having political rivalry against each other. Due to the said grudge, both parties have been giving false complaints against each other.

v) The above-said complaint bearing No.687/PDGP dated 29.09.2020 given by the petitioner did not disclose the commission of any cognizable offence the Police has not found any substance in the said complaint. Therefore, the SHO of Police Station Phillaur has recommended to consign the said complaint of the petitioner.

9. That it is respectfully submitted that in view of the above-said facts emanated during the course of enquiry, the SHO of Police Station, Phillaur has submitted a report dated 30.03.2021 to the office of Superintendent of Police, Sub-Division Phillaur, Jalandhar (Rural) whereby it has been recommended to consign the above-said complaint bearing NO.687/PDGP dated 29.09.2020 given by the petitioner. Accordingly, the Superintendent of Police, Sub-Division Phillaur has further prepared a report dated 30.03.2021 and the same has been submitted to the office of Senior Superintendent of Police, Jalandhar (Rural) recommending therein to consign the above-said complaint bearing No.687/PDGP dated 29.09.2020 given by the petitioner.

10. That it is respectfully submitted that the averments of the

petitioner that the above-said complaint bearing No.687/PDGP dated 29.09.2020 given by the petitioner is suffice to serve requirement of Section 154 Cr.P.C are wrong since the said complaint did not reveal the commission of a cognizable offence. Accordingly, the said complaints have been consigned by the Police since no substance has been found in the same.”

The above-said averments made in the status report have not been controverted and the complaint submitted by the petitioner has also been found to be unsubstantiated. Thus, there is no reason for this Court to go into any further inquiry or detail. No replication or counter affidavit was filed by the petitioner against the status report.

The process of Court of law cannot be permitted to be deployed to sub-serve vested interests of the litigant. No one should be promoted to steer the process of law for settling individual scores and as a pressure tactics.

Evidently, the parties are inter-se involved in giving and pursuing complaints against each other. There is no special circumstance which would warrant interference of a writ Court. Further, there is also nothing on record to suggest as to why the parties cannot pursue remedies as per law.

Accordingly, this petition is dismissed.

(VINOD S. BHARDWAJ)
JUDGE

08.05.2023
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No