

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

234

CRM-M-33051-2018

Date of decision: 14.02.2023

Chanan Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** None for the petitioners.Mr. Chanakya Batta, Advocate
for respondent Nos.4 to 10.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

None has put in appearance on 12.10.2022 even today also, no one is present on behalf of the petitioners.

The instant petition has been filed by the petitioners under Section 482 Cr.PC seeking directions to respondent Nos.2 and 3 to carry out fair investigation in the complaint dated 06.03.2018 (Annexure P-1) filed by the petitioners and to take appropriate legal action against the private respondents for causing injuries to petitioner No.1.

On issuance of notice of motion status report by way of affidavit of Ajay Raj Singh, PPS, Deputy Superintendent of Police, Dharamkot, District Moga, has been filed, which is already on record. Para No.1 of the said reply reads as under:-

“1. That brief facts of the present case are that petitioner

no.1 had moved an application before SSP, Moga, bearing No.10-PC-1/18 dated 29.05.2018 with the allegations that Surjit Singh s/o Kirpal Singh, Nishan Singh s/o Kirpal Singh, Balwant Singh s/o Surjit Singh, Gurwinder Singh @ Ginu son of Nishan Singh, Shubeg Singh s/o Narain Singh, Pindu s/o Mukhtiar Singh, Laddi son of Raghbir Singh had caused injuries on his person and they had also removed the turban of his brother. On the basis of said application inquiry was conducted by deponent. On the basis of MLR No.AJ/14/2018 dated 20.03.2018 pertaining to Chanan Singh son of Mukhtiar Singh resident of Indergarh, District Moga opinion from Medical Officer, PHC Kot Ise Khan was obtained and vide its report dated 19.11.2018 the doctor opined that possibility of injury no.1 having caused by a friendly hand cannot be ruled out and possibility of injury no.2 and 3 having caused by friendly hand is remote, but possibility of injury no.2 and 3 having caused by falling on a hard surface cannot be ruled out. Copy of opinion obtained from the Doctor is attached herewith as Annexure R-1. During enquiry it transpired that no such occurrence taken place, moreover, from the MLR No.AJ/14/2018 only offence u/s 323/34 IPC is made out and same is non-cognizable in nature. So, application of petitioner has been consigned in record room. Enquiry report is attached herewith as Annexure R-2. But to maintain the law and order vide DDR No.31 Dated 28.03.2018 prohibitory proceedings against both the parties have been initiated against them. Said application of petitioner no.1 has been consigned in record room.”

Since the complaint of the petitioners has already been inquired into by the police and it has come on record through the enquiry that no such occurrence had taken place and from MLR, only offence under Section 323 and 34 of IPC, 1860 was made out and the same being non-cognizable and consequently, the application of the petitioners was

consigned to the record room, however, to maintain law and order, vide DDR No.31 dated 28.03.2018, prohibitory proceedings against both the parties were initiated.

In view of the above, no further directions are required to be issued in the present case.

The present petition is disposed of accordingly.

14.02.2023
Parveen Kumar

(NAMIT KUMAR)
JUDGE

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