

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-5983-2021 (O&M)
Date of Decision:-23.1.2023

Jaj Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasvir Singh Dhaliwal, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Baldev Raj.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking issuance of directions to respondents No.2 to 4 to ensure protection of his life and liberty at the hands of the private respondents. Another prayer has been made for issuance of directions to respondent No.3 to register FIR on the basis of an inquiry report conducted by respondent No.2.
2. Having heard the learned counsel for the petitioner and the learned State counsel, this Court finds that a vehicle i.e. XYLO Car bearing registration No.PB-05-R-9019 had been purchased by respondent No.8 Krishan Lal Garg from M/s Garg Motors, Sirsa and the said vehicle had been got financed. Subsequently, respondent No.8-Krishan Lal Garg sold off the said vehicle to one Gautam. The said Gautam, however, did not get the registration certificate in respect of the aforesaid vehicle, transferred in his name.

Thereafter, the said Gautam sold off the aforesaid vehicle to one Jagjit Singh @ Lucky. Said Jagjit Singh @ Lucky further sold off the said vehicle to the petitioner Jaj Singh. However, none of the aforesaid purchasers had got the vehicle transferred in their names. It appears that subsequently the employees of Mahindra Finance Company Limited impounded the vehicle on account of non-payment of the installments. Later when respondents No.5 and 8 presented complete documents of the vehicle in question to the Finance Company, the same vehicle was released to the petitioner.

3. Status report by way of affidavit of Shri Atul Soni, PPS, Deputy Superintendent of Police, Sub Division, Jalalabad, District Fazilka has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner has submitted that the petitioner had been cheated by the private respondents No.5 to 8 inasmuch as the vehicle had been sold to him without making a clear mention that the vehicle was financed and the installments were yet to be paid. It has been submitted that at some point of time an inquiry had been conducted and as per inquiry report dated 22.8.2017 (Annexure P-3) the Deputy Superintendent of Police had opined that the accused Jagjit Singh @ Lucky, Shinder Pal Singh @ Shindu Mistri, Tarlok Chand and Krishan Lal Garg had colluded together and committed fraud with petitioner Jaj Singh. Learned counsel submits that, in these circumstances, the private respondents need to be proceeded and FIR deserves to be lodged against them.
5. Learned State counsel has, however, informed that the opinion of DSP as recorded in inquiry report dated 22.8.2017 (Annexure P-3) was not accepted by the Superior Officer and on account of which no FIR came to be lodged.

6. In view of the aforestated position, this Court is of the opinion that it shall be open to the petitioner to move an appropriate application before the Area Magistrate concerned in terms of provisions of Section 156(3) Cr.P.C. as well as to have recourse to any other alternate efficacious remedies as may be available to him for redressal of his grievances.
7. No case is, however, made out for issuance of any direction for registration of FIR by this Court.
8. The instant petition stands disposed off accordingly.

23.1.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No