

254

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

CWP-1594-2017

Date of decision: 12.09.2023

Devender Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Dr. Suresh Kumar Redhu, Advocate for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondents.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 30.12.2015 (Annexure P-3) vide which the Superintendent of Police, Panipat has initiated the departmental enquiry on having been falsely implicated in a criminal case FIR No.766 dated 24.12.2015 registered under Sections 15 and 18 of the NDPS Act, 1985 at Police Station Samalkha, District Panipat.

2. Learned State Counsel has submitted that in the present case, all the witnesses of the prosecution in the criminal trial and also all the witnesses of the State have already been examined in the departmental proceedings and thus, the present Civil Writ Petition has been rendered

infructuous.

3. Learned counsel for the petitioners has submitted that he does not have any latest instructions and has further submitted that the present writ petition may kindly be disposed of as having been rendered infructuous but liberty be granted to the petitioners in case the abovesaid statement made by learned State Counsel is found to be incorrect.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of as having been rendered infructuous.

5. Liberty is, however, granted to the petitioners to move an application for restoration of the present case or to file a fresh petition, in case, the abovesaid statement made by learned State Counsel is found to be incorrect.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

12.09.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No