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

CRM-M-35439-2023

Date of Decision: 24.07.2023

Sonu

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Gaganpreet Kaur, Advocate for
Mr. Swarn Tiwana, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 482 for Code of Criminal Procedure, for issuance of directions to respondent Nos.2 & 3 to take action as per law against the private respondents who in connivance with each other have defrauded the petitioner by taking the amount of Rs.3 lacs from him.

2. Ms. Gaganpreet Kaur, Advocate has caused appearance on behalf of Mr. Swarn Tiwana, learned counsel for the petitioner and has submitted that the private respondents have taken Rs.3 lacs from the petitioner and there was an agreement in this regard as well but the same has not been returned back to the petitioner and therefore, fraud and cheating has been committed by them. She further submitted that the police was bound to take action in this regard but they have not taken any action.

3. I have heard the learned counsel for the petitioner.

4. The present petition has been filed to seek necessary action against

the private respondents. The subject matter of the grievance of the petitioner is that after taking Rs.3 lacs from him, the private respondents have not returned back the amount and the same is liable to be refunded. The petitioner has filed a representation dated 13.12.2019 vide Annexure P-2. However, a perusal of Annexure P-4 would show that the aforesaid complaint/representation has already been addressed by the concerned police officials and rather it has been so stated in the aforesaid letter by the Deputy Superintendent of Police to the Senior Superintendent of Police that during the inquiry, the complainant has already joined the inquiry and recorded his statement that now Avtar Singh has taken time from him up to 20.05.2020 and he is satisfied and now he do not want to take any action on the said complaint and his complaint be consigned to office record. Once the complainant himself has stated that he does not wish to take any action on the complaint, the present petition is not sustainable. Even otherwise also the relief sought by petitioner is for invoking of Section 482 of the Code of Criminal Procedure for recovery/refund of an amount of Rs.3 lacs which totally appears to be a civil matter and therefore, no direction can be issued in this regard.

5. Consequently, finding no merit in the present petition, the same is hereby dismissed.

24.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned	Yes/No
2. Whether reportable:	Yes/No