

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

**COCP-2394-2023 (O&M)
Date of decision: 10.08.2023**

Aradhna Gupta and others

...Petitioners

Versus

Mandeep Singh Sidhu and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aayush Gupta, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners are alleging violation of the order dated 16.03.2006, passed by this Court in CRM-M-15061-2006, vide which, the following directions were made:

“The petitioners belong to one family and have prayed that directions be issued to respondent Nos.2 and 3 to comply with the provisions of Section 160 Cr.P.C. and to give them advance notice in case any FIR is registered against them.

There is civil litigation going on between the petitioners and certain private sellers of land. It is further averred that PUDA has also initiated a case bearing Crl. Misc. No.62722-M of 2005 for illegal colonization in which further proceedings have been stayed. It has been averred that the petitioners are apprehending that they may be involved in some false case.

Keeping in view the facts of the present case, this petition is disposed of with a direction to respondent Nos. 2 and 3 that if the petitioners are wanted in any case then one week's advance notice be given to them in writing to enable them to approach the appropriate forum for the grand of any

relief.”

Learned counsel for the petitioners submits that since the petitioners are dealing in the property business and multiple inquiries were initiated against them, the petitioners had filed CRM-M-46408-2017, which was disposed of on 19.12.2018 by making the following observations:

“Reply by way of an affidavit of the Assistant Commissioner of Police (West), Ludhiana is on record and as per the reply, it is stated as under:-

“1. That earlier various applications were moved by respondent No.7 against the present petitioner on which enquiries were conducted and the applications were filed/consigned to the record room. Proceedings u/s 182 IPC (Annexure P6) have also been launched against respondent No.7 for filing false complaints against the petitioner. Thereafter, respondent No.7 had moved another application dated 16.05.2016 Annexure P-8 on which enquiry was conducted by the ADCP-1, Ludhiana during which it was found that in view of the previous enquiries, there is no need to take any further action on the complaints filed by respondent no.7. A direction was also issued to the SHO-P.S. Haibowal, Investigation, ACP-Gill, ADCP-3, ADCP-HQ and ACP-E.O. Wing that in case any complaint is received from respondent No.7 against the petitioner, the same be filed without calling the petitioner.

2. That, however, thereafter respondent no.7 filed an application with the Chief Minister, Punjab on which enquiry was marked to Sh. Surendra Lamba, IPS, ADCP-3, Ludhiana but thereafter the petitioner filed a petition before the Hon'ble High Court bearing CRMNo.M-45618 in which the Hon'ble High Court vide order dated 30.11.2017 Annexure P-11 has directed the ADCP-3, Ludhiana not to call the

petitioner. Now the said petition is also pending before this Hon'ble Court and fixed for 16.05.2018 alongwith the present petition. Thus, the said complaint is now subject matter in the said petition bearing CRM No.M-45618 of 2017 filed by the present petitioner.

3. That, now, again respondent no.7 has moved a complaint with the Commissioner of Police, Ludhiana against the present petitioner on which enquiry was marked to the DCP, Ludhiana but vide interim order dated 06.12.2017 passed by this Hon'ble Court in the present petition, this Hon'ble Court has directed the DCP, Ludhiana not to call the petitioner in pursuance to the complaints filed by respondent no.7 without looking into the previous enquiry reports conducted by the police. Accordingly now the petitioner is not being called by the DCP in the said enquiry and the DCP is perusing the previous enquiry reports without calling the petitioner and thereafter the said complaint will be disposed of accordingly. Hence, the present petition is liable to be dismissed on this ground alone.”

In view of the same, counsel for the State has submitted that no further action is being taken on the complaints given by respondent No.7.

Considering the affidavit filed by the Assistant Commissioner of Police (West), Ludhiana, the aforesaid petitions are disposed of with a direction that the respondents will strictly adhere to the undertaking given by them in the Court. Liberty is also granted to the petitioner(s) to file afresh petition in case they still feel any harassment at the instance of respondent No.7.”

Learned counsel further submits that despite the directions and the undertaking given by the Assistant Commissioner of Police (West), Ludhiana that they will abide by the process of law, now again, the

respondents have started multiple inquiries on the complaints given by six persons as named in paragraph No. 9 of this contempt petition.

Learned counsel for the petitioners further submits that this petition may be disposed of with directions to the respondents to abide by the directions dated 16.03.2006, vide which, the police authorities themselves have given an undertaking that if the custodial investigation of the petitioners is required, then one week's advance notice be given to them in writing in order to enable them to approach the appropriate forum for grant of any relief.

Ordered accordingly.

It is made clear that the directions dated 16.03.2006 will be strictly complied with while conducting investigation, as referred to above.

Disposed of.

10.08.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No