

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

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CRM-M-39312-2023

Date of Decision: September 11, 2023

Rajnish Bala**.....Petitioner(s)****Vs.****State of Punjab and others****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Ketan Chopra, Advocate for the petitioner(s).

Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA J. (ORAL)

Seeking issuance of appropriate directions to official respondents, to grant of sanction to prosecute respondents No.5 and 6 (who were the then D.G.P. and A.D.C.P.), the petitioner has come up before this Court under Sections 482 Cr.P.C.

2. To find out whether the instant petition is worth of issuing notice to the State counsel or not, this Court has heard petitioner's counsel and has also gone through the entire petition.

3. Counsel for the petitioner states that after demise of father of the petitioner on 01.06.2021 leaving behind two legal heirs, the present petitioner and her sister-Sonia Makan (not respondent here). The dispute between the petitioner and her sister was amicably settled in a family settlement on 22.06.2021; such family settlement could not be acted upon for the reasons that the petitioner's sister Sonia and her husband-Rajesh Makan in connivance with respondents No.5 and 6 filed a false and frivolous complaint against the petitioner and her family members to Additional Commissioner of Police, Ludhiana.

4. The allegations against the petitioner was of theft of Rs.125 lac in cash and 4 kgs. of gold. In para 4 and 5 of the petition reveals that without holding any enquiry, respondent No.6 had directed for registration of FIR on Sunday (Annexure A-1). The said order was passed on the last day of posting by respondent No.6 at Ludhiana.

5. Petitioner's further grouse is that her sister filed an application before the Human Rights Commission and respondent No.5 was also member of the said Commission.

6. Thus, in nutshell, the petitioner alleges that respondents No.5 and 6 were misusing their official position illegally and helping her sister-Sonia Makan and now she wants to launch prosecution against them and for that purpose, sanction is required.

7. In para 13 of the petition, it is stated that petitioner had preferred a complaint before the Special Judge, Ludhiana for taking action against respondent No.5 & 6 under Prevention of Corruption Act but the Special Judge, Ludhiana has adjourned the matter on account of maintainability of such complaint without prior sanction to prosecute. Copy of order dated 06.04.2023 passed by trial Court is annexed as Annexure P-8. It appears that the petitioner is aggrieved by this order dated 06.04.2023 and she seeks issuance of directions to the State to grant sanction to prosecute respondents No.5 and 6.

8. The petitioner has also preferred complaint (annexure P-9), which was addressed to Hon'ble Prime Minister of India and 11 more authorities.

9. In the nutshell, it appears that petitioner has come up before this court without any prima facie material, seeking issuance of direction to official respondent to grant sanction to prosecute respondents No.5 and 6.

10. In the entirety of facts and circumstances of the case, this case is not of worth even issuing of notice as such the present petition is dismissed. The observations made hereinabove are only for disposal of the present petition, shall

not be construed as an expression of opinion on merit of the case All pending applications, if any, stand disposed of. It is clarified that filing of present petition and disposal by this Court shall not come in the way of trial Court while deciding the maintainability of complaint without sanction to prosecute respondents No.5 & 6 i.e. accused before trial Court.

(ANOOP CHITKARA)
JUDGE

September 11, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No