

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-48553-2022 (O&M)
Date of Decision: 5th September, 2023

Yogeshwar Sood

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Aarushi Garg, Advocate for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. S.S. Narula, Advocate with
Mr. G.S. Dhillon, Advocate for respondent No. 4.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking transfer of enquiry/investigation of the complaint No. CP-1992 dated 14.7.2022 to outside the jurisdiction of District Ludhiana and to constitute SIT.

2. Brief facts of the case are that the petitioner entered into agreement with respondent No.4 for supply of furniture and door frames worth Rs.9,50,00,000/- and petitioner supplied goods valuing Rs. 25 lakhs. As per the pleadings, respondent No. 4 had to get prepared the golden umbrella (*Chattar*) and Civil suit between the parties is pending. The respondent No.4 got registered FIR No. 648/2019 under Sections 409, 420 IPC on 31.8.2019 at P.S. Kotwali, District Mathura. The petitioner and his brother filed a quashing petition in Allahabad High Court and proceedings were stayed. FIR No. 36 dated 20.2.2021 under Sections 420, 467, 468, 471, 120-B IPC, 1860

at P.S. Sadar Ludhiana was got registered at the instance of brother of the petitioner. In FIR No. 36 cancellation report filed was accepted and the matter is now pending in the revision. Respondent No. 4 filed a complaint No. CP 1992 dated 14.7.2022 alleging that in FIR No. 36 forged documents were produced by the petitioner. The present petition is filed for transferring the enquiry of the complaint.

3. As per the reply dated 23.11.2022, the SHO after enquiring prepared the report on 14.10.2022 which was approved by the ADCP-2 as well as Commissioner of Police, Ludhiana on 26.10.2022.

4. Learned counsel for the petitioner on instructions from brother of the petitioner- Gianeshwar Sood who is present in Court and is identified by the counsel (photocopy of the identity card is taken on record) submits that transfer of the enquiry is sought only on the ground that police in FIR No. 36 registered at the behest of the brother of the petitioner had filed cancellation report.

5. Learned State Counsel relying upon the pleadings of the reply dated 23.11.2022 submits that before issuance of notice of motion enquiry of the complaint was completed and approved.

6. Learned counsel for respondent No. 4 submits that the petitioner and his brother along with another petitioner had filed CRM-M-44269-2023 in this Court for issuing directions to the official respondents for conducting fair and proper enquiry on representation dated 3.1.2023 and to consider the same before registering the FIR on basis of complaint No. CP-1992 (complaint in question in the present FIR) but the same was withdrawn.

7. The transfer of an enquiry cannot be on asking. The ground for seeking transfer is that Ludhiana police had filed cancellation report in FIR No. 36. It cannot be lost sight of that cancellation report filed by the police authorities was accepted in Court. Further, it would be appropriate to note here that the enquiry report of complaint is dated 14.10.2022 i.e. prior to the drafting of this petition.
8. In absence of any substantial reason for transferring the enquiry, no case is made out for interference. Petition is dismissed
9. Needless to say that petitioner would be at liberty to avail remedies in accordance with law for redressal of the surviving grievance, if any.
10. Since the main case has been dismissed. the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

5th September, 2023
anuradha

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No