

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

210

**CRWP-12226-2021
Decided on : 18.01.2023**

Sukhchain Singh Dhaliwal

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. C.S. Bagri, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

Mr. Sarfraj Hussain, Advocate
for respondent No.7.

SANJAY VASHISTH, J. (Oral)

Primarily relief claimed in the present petition is for seeking protection of lives and liberty to the petitioner and his family members, and not to harass and embarrassed the petitioner at the behest of respondent No.7.

Order dated 31.01.2022, says as under:-

“CRM-W-11 and 83-2022

Applications are allowed, subject to all just exceptions. Annexures P-11, P-12 and affidavit of petitioner dated 10.01.2022 refuting the alleged compromise with respondent No.7 are taken on record.

CRWP-12226-2021

Learned counsel for the petitioner has argued that Jagjiwan Kumar (respondent No.7) had given a complaint (Annexure P-3) to Senior Superintendent of Police, Ludhiana (Rural) on 17.03.2021, wherein it was alleged that the petitioner had borrowed money from the complainant and the same has not been returned and upon enquiry, the said complaint was filed, as no police action was required. He submits that the said report dated 30.03.2021 was approved by SSP, Ludhiana also.

Learned counsel has submitted that now the respondent No.7 has again given a fresh complaint dated 07.12.2021 (Annexure P-11) containing the similar allegations of the previous complaint, whereupon a fresh enquiry has been initiated by DSP, Jagraon. According to him, the complaint (Annexure P-11) is an abuse of the process of law, whereupon the petitioner has harassed, who is an NRI. Notice of motion for 14.03.2022.”

Thereupon, short reply dated 29.08.2022, was filed on behalf of respondents No.1 to 6 & 8, which is available on record.

Learned State counsel refers to para Nos.3 & 4 of the aforesaid reply, which are reproduced herein-below:-

“3. That the respondent no.7 had again submitted one application no.1924-PC-2 dated 07-12-2001 to the SSP Ludhiana (Rural) against the petitioner levelling similar allegations that the petitioner has taken money from him. The petitioner has also got prepared his golden ornaments. The petitioner neither paid him the cost of the golden ornaments nor returned his borrowed money and that he has threatened by unknown persons to withdraw his application. So the respondent no.7 requested the police to take action against the petitioner. This application was marked to DSP Jagraon for enquiry. During enquiry, the DSP Jagraon has summoned the Respondent No.7 to produce evidence in support of allegations leveled by him in this application. But the respondent no.7 gave statement to the enquiry officer on 21-12-2021 that he has entered into compromise with the petitioner and he does not want to take any action on his application. His application may be ordered to be filed. True Translation copy of his statement is enclosed as Annexure R-1/T.

4. That on the basis of this statement of the respondent no.7, the DSP Jagraon has submitted his enquiry report dated 25-12-2021 to the SSP Ludhiana (Rural) and recommended to consign the application no.1924-PC-2 dated 07-12-2021 of Respondent no.7 on the basis of the compromise between the parties. The

SSP Ludhiana (Rural) has approved this enquiry report and the application of the respondent no.7 has been filed by SSP Ludhiana (Rural).”

In view of the stand taken by the official respondents in their reply, no further and specific direction is required to be issued.

However, official respondents would ensure that in case frivolous complaint, if any, is submitted by respondent No.7, petitioner and his family members would not be harassed unnecessarily without holding preliminary inquiry on such complaint(s).

Petition stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

January 18, 2023

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No