

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

252

CRM-M-50186-2019
Date of decision: 05.07.2023

Gian Chand

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sikhand Mehta, Advocate for
Mr. Deepak Sharma, Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY. J.

1. The present petition has been filed for issuance of a direction to respondents No.1 and 2 to inquire into the matter in question related to complaints dated 25.05.2019, 18.06.2019 and 01.11.2019 (Annexures P-1, P-5 and P-6 respectively) through any senior police official at least of a rank of DSP deputed outside from District Nawanshahr and to take appropriate legal action against respondent no.4 in accordance with law.

2. Reply filed by way of affidavit of Sh.Harneel Singh, DSP, Nawanshahr, District SBS Nagar, on behalf of the respondent State, is taken on record.

3. Learned State counsel refers to paragraphs 5, 7 and 8 of the reply, which are reproduced hereinbelow:

“5- That the contents of the para No. 5 of the petition are wrong and hence denied. The application No 2414-Peshi dated 01.11.2019 (Annexure P6) moved by the petitioner against respondent No 4 Sunita Devi before the answering respondent No.2 Senior Superintendent of Police, Shaheed Bhagat Singh Nagar, the same was marked for enquiry to the Incharge Women Cell, Shaheed Bhagat Singh Nagar. During the course of enquiry

petitioner Gian Chand made statement that he had already filed petition before this Hon'ble Court and do not want to proceed further with his application, consequently the same was filed on the basis of statement made by the petitioner. The respondent No.4 Sunita Devi also moved application No 56-PSSK dated 20 04.2019 to the Station House Officer, Police Station Rahon, District Shaheed Bhagat Singh Nagar regarding her beatings by the petitioner under the impact of intoxication and excess drinking and on the basis of said application the proceedings under section 107/151 of the Code of Criminal Procedure were initiated against the petitioner and his relatives as a preventive measures. Except the above said applications no other application has ever been moved by the petitioner. If the petitioner approach the answering it is the duty of the answering respondent to cull out the truth and justice be given to him.

7- That the contents of the para No.7 of the petition are wrong and hence denied. Due to the constant marriage related dispute between the petitioner and respondent No 4 the proceedings under section 107/151 of the Code of Criminal Procedure as a preventive measures. The present petition is a sheer misuse of process of law and has been filed simply to gain undue favour.

8- That the contents of the para No 8 of the petition are wrong and hence denied. The application No 2414-Peshi dated 01.11.2019 (Annexure P6) moved by the petitioner against respondent No 4 Sunita Devi before the answering respondent No.2 Senior Superintendent of Police, Shaheed Bhagat Singh Nagar, the same was marked for enquiry to the Incharge Women Cell, Shaheed Bhagat Singh Nagar. During the course of enquiry petitioner Gian Chand made statement that he had already filed petition before this Hon'ble Court and do not want to proceed further with his application, consequently the same was filed on the basis of statement made by the petitioner. The respondent No. 4 Sunita Devi also moved application No. 56-PSSK dated 20.04.2019 to the Station House Officer, Police Station Rahon, District Shaheed Bhagat Singh Nagar regarding her beatings by the petitioner under the impact of intoxication and excess drinking and on the basis of said application the proceedings under section 107/151 of the Code of Criminal Procedure were initiated against the petitioner and his relatives as a preventive measures. Except the above said applications no other application has ever been moved by the petitioner. If the petitioner approach the answering respondents, it is the duty of the answering respondent to cull out the truth and justice be given to him. The present petition is a sheer misuse of process of law and has been filed simply to gain undue favour. The petition being devoid of any merits deserves to be dismissed.”

4. In view of the above, no action is required in this petition.

5. Disposed of as having been rendered infructuous. However, liberty is granted to the petitioner to avail of alternate remedy, if any, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

July 05, 2023
dharamvir

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