2023:PHHC:162456

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

CRM-M-63665-2023
Date of decision: 18.12.2023

Mukesh Kumar ....Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Sobti, Advocate and
Mr. Jaskirat Singh Arora, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 read with Section 407 of Cr.P.C. for issuance of direction to the official respondents to transfer the complaint/application dated Nil registered vide UID No.266110 dated 23.11.2023 (Annexure P-4) from Police Station Talwara, Tehsil Mukerian, District Hoshiarpur to any other Police Station within the District of Hoshiarpur and further for issuance of directions to the official respondents to protect the life and liberty of the petitioner and at the hands of respondents No.4 & 5.

Brief facts of the case are that a partnership deed dated 01.06.2022 of M/s Balaji Stone Crusher situated at VPO Chak Mirpur, Tehsil Talwara, District Hoshiarpur were signed between 07 persons i.e. Amit Kumar (25% of share), Rajiv Tuli (25% of share) Jyoti Tuli (25% of share), Binay Kumar (5% of share), Amit Sharma (5% of share), Parshotam Singh (10% of share) and Ved Parkash (5% of share) which was notarized on 13.06.2022 and indulge in a business of stone crushing. Subsequently, on 06.06.2022, Anil Kumar, Rajiv

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Tuli and Jyogi Tuli have voluntarily retired from the partnership business of M/s Balaji Stone Crusher situated at VPO Chak Mirpur, Tehsil Talwara, District Hoshiarpur after the settlement of their accounts and accordingly, new retirement-cum-partnership deed dated 06.06.2022 was executed between 04 persons with new percentage of share i.e. Binay Kumar (30% of share), Amit Sharma (30% of share), Parshotam Singh (35% of share) and Ved Parkash (5% of share) which was notarized on 13.06.2022. After few months, Amit Sharma had also shown his unwillingness to continue the partnership business and as such soled out his entire share of 30% of M/s Balaji Stone Crusher situated at VPO Chak Mirpur, Tehsil Talwara, District Hoshiarpur, to the petitioner-Mukesh Kumar after receiving full and final payment. Thereafter, on 11.11.2023, the petitioner visited the above said crusher and took the possession of the same as the petitioner is a legal and valid partner of the said firm *qua* 30% of share. After few hours, some mischievous persons, namely, Mandeep Singh and Manpreet Singh called the police and police came on the spot and told the petitioner to not operate the said stone crusher as they have received a complaint that the ownership of the crusher is not in the name of the petitioner. On showing the agreement/affidavit to sell, the police refused to listen and called the petitioner to police station for enquiry. After the intervention of police, the said crusher was closed down and not operated by the petitioner neither the other partners. It is further alleged that on the very next date Mandeep Singh and Manpreet Singh with some other persons forcefully entered the premises of the crusher and started operating the same. On 15.11.2023, the petitioner went to the police station, Talwara and showed his legal documents relating to the ownership of the said crusher and also requested to the SHO,

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Talwara to show the complaint given by Mandeep Singh and Manpreet Singh but he refused the same and further threatened the petitioner to trap him in the false case under the NDPS Act and Arms Act and passed defamatory remarks to him.

Learned counsel for the petitioner submits that in view of the aforesaid facts and circumstances, he represented the SSP, Hoshiarpur by submitting an application/complaint dated Nil against the SHO, Talwara, ASI Ranveer Singh Saini, Mandeep Singh and Manpreet Singh and requested to enquire the matter which is registered as UID No.266110 dated 23.11.2023 and on the receipt of the same, the SSP Hoshiarpur without even seen the complaint, forwarded the same to the same SHO, Police Station Talwara, Tehsil Mukerian, District Hoshiarpur.

Learned counsel for the petitioners *inter alia* contends that he would be satisfied in case, a direction is issued to respondent No.3 to consider and decide the application/complaint dated Nil (Annexure P-4) in a time bound manner.

Notice of motion.

Ms. Navreet Kaur Barnala, AAG, Punjab puts in appearance and accepts notice on behalf of the official respondents-State and copy of the petition has been supplied in the Court.

Keeping in view the prayer made by the petitioner and without commenting anything on the merits of the case, the present petition is disposed of with a direction to respondent No.3-Senior Superintendent of Police, District Hoshiarpur, to consider and decide the application/complaint dated Nil

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(Annexure P-4) submitted by the petitioner within a period of four weeks from the date of receipt of certified copy of this order, in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

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

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