

CRM-M-10122-2022 (O & M)
Date of decision: 09.04.2024

...PETITIONERS

V/S

...RESPONDENTS

Present: Mr. K.S. Dadwal, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Rakesh Kumar, Advocate for
respondent Nos.9 to 12.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for directing the respondent Nos.2 to 8 not to harass, humiliate and involve the petitioners or their family members in the false cases by ordering the repeated inquiries at the behest of respondent Nos.9 to 12, especially when the allegations put forth by them, in an inquiry which was initiated on the complaint dated 26.05.2021, have been found to be false.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners have approached this Court, on account of being harassed by initiating one inquiry after the another, twice the veracity of allegations leveled by private respondents has been examined by the jurisdictional police authorities and it has been concluded that the allegations leveled against the petitioners are false and in spite of the conclusion drawn vide inquiry reports Annexures P-6 and P-11 respectively, once again, another inquiry was initiated

and during the pendency of the present petition, the fresh inquiry regarding which, the petitioners have approached this Court has been concluded and a clean chit has been granted to the petitioners.

3. Learned Counsel for the petitioners has relied upon the judgment of this Court passed in ***Jaswinder Singh vs. State of Punjab*** bearing ***CRM-M No.18244 of 2008*** decided on 12.01.2009, in which, the circular issued by Director General of Police, Punjab has been discussed and a direction was issued, in which, the following was observed :

“In view of the affidavit filed, it will be necessary to hold that instructions issued by the Director General of Police, Punjab on 1.4.2008 be strictly construed and once enquiry has been held, no further enquiry ought to be held by the police except for the orders given by the Courts and Human Rights Commission or any other statutory body of the State or as envisaged in the instructions issued by the Director General of Police, which say that if inquiry is to be got conducted from officers of outside district/range, then the case be sent for further inquiry after approval of the Director General of Police and the Punjab Government. Any violation of the instructions, Annexure P-9, shall not be looked favourably and the concerned person holding enquiry shall be fastened with costs.

In the present case, no costs are being imposed as the Mr. Gurpreet Singh, Superintendent of Police (Detective) has assured that in future no such course shall be adopted and due sanctity shall be given to the instructions, Annexure P-9, issued by the State of Punjab.”

Learned counsel for the petitioners further relied upon the judgment of Madhya Pradesh High Court in ***Mahender Kumar Vaidya vs. State of Madhya Pradesh and others*** bearing ***Writ Petition No.23876 of 2022*** in which, similar directions were issued by holding that there is no provision of parallel inquiry under Section 36 Cr.P.C during the pendency of the investigation and the Madhya Pradesh High Court has relied upon the decision

rendered in *Deepak @ Preetam Verma and another vs. State of Madhya Pradesh and another* passed in *M.Cr.C. No.12592 of 2018* with regard to holding of the parallel inquiries and the provisions of Section 36 Cr.P.C. The aforesaid decision was upheld by the Hon’ble Supreme Court passed in SLP (Criminal) No.1345 of 2019.

4. It is further contended that the manner, in which, without registration of FIR, the inquiries are being held, is totally alien to the procedure prescribed under the Cr.P.C. or any other provision contained in Punjab Police Rules, 1934.

5. Learned counsel for private respondents submits that they reserve their statutory right to institute a private criminal complaint for the redressal of their grievances as available to them in accordance with law.

6. Having heard learned counsel for the parties and after perusing the record with their able assistance, the present petition is disposed of in view of the ratio of law as laid down in *Jaswinder Singh (supra)*, the State of Punjab is directed to comply with the directions issued by the Director General of Police on 01.04.2008 and would not embark upon any further inquiry, in this matter, for all intents and purposes in violation of these directions.

7. Pending application(s), if any, also stand(s) disposed of.

April 09, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |