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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17962-2024 (O&M)
Date of decision: 15.04.2024

Pardeep Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. V.P. Arora, Advocate and
Mr. Maninder Arora, Advocate for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking issuance of direction to respondents No.2 to 4 not to proceed with the complaint filed by respondent No.5 qua which summons have been received by the petitioner vide notice dated 15.03.2024 (Annexure P-6), as on the basis of complaint made by respondent No.5, an FIR No.0003 dated 07.01.2024 under Sections 406 & 498-A of IPC, registered at Police Station Women Cell, SAS Nagar (Mohali) has already been registered on the same set of allegations.
2. Learned counsel for the petitioner, *inter alia*, contends that on the complaint made by respondent No.5-wife of the petitioner, FIR (*supra*) has already been registered and now respondent No.5 has made another complaint before the jurisdictional police authorities at Ratia, District Fatehabad, which is not sustainable, as on the same set of allegations, FIR is already registered. It is further contended that second inquiry or investigation is clearly barred.

Reliance in this regard is placed upon judgment of the Hon'ble Supreme Court in *T.T. Antony Vs. State of Kerala, Criminal Appeal No.689 of 2001 (arising out of SLP (Crl.) No.1522 of 2000, decided on 12.07.2001.*

3. Notice of motion to the official respondents only.
4. On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of official respondents and submits that perusal of notice (Annexure P-6) clearly indicates that the same has been issued only to enquire into the complaint made against the petitioner and till date, no FIR has been registered against him. Further, in the notice dated 15.03.2024 (Annexure P-6), it is clearly stated that the petitioner will not be arrested during enquiry.
5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, the matter is taken up for final disposal today itself.
6. Keeping in view the facts and circumstances of the case and also in view of judgment of the Hon'ble Supreme Court in *T.T. Antony's* case (*supra*), jurisdictional police authorities at Ratia, District Fatehabad are directed to consider the FIR (*supra*) already registered at Police Station Women Cell, District SAS Nagar (Mohali) and pass an appropriate order, strictly in accordance with law.

[HARPREET SINGH BRAR]
JUDGE

15.04.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No