

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-28914-2024
Date of Decision: 31.05.2024

Davinder Saini

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Dinesh Mahajan, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition under Section 482 Cr.P.C. is for issuance of direction to official respondents not to harass and victimize the petitioner at the instance and behest of respondent No.6 on the pretext of inquiry and re-inquiry and not to initiate inquiry for the third time as earlier two times on the complaint of respondent No.6, detailed inquiry has already been done (Annexure P-3 and P-5) and as such initiation of repeated inquiries is completely impermissible in view of the instructions issued by the Director General of Police, Punjab.

Learned counsel for the petitioner *inter alia* submits that the petitioner was married to the complainant/respondent No.6 on 09.02.2019. It is stated that due to matrimonial discord, the parties started living separately.

The complainant/respondent No.6 filed first complaint No. 29.08.2023 (Annexure P-1) against the petitioner and his family



members in which allegations were made that the petitioner used to give beatings to the complainant to bring more dowry and had then thrown her out from the matrimonial home. Learned counsel submits that the said complaint was enquired into in detail by the Women Cell Rural, District Pathankot and all the accused therein were exonerated vide report dated 25.12.2023 (Annexure P-2).

It is stated that thereafter second complaint No. 151 dated 30.01.2024 (Annexure P-4) was filed by the complainant wherein similar allegations as in the first complaint (Annexure P-1) were made. The second complaint No. 151 was also enquired into by the Deputy Superintendent of Police, Special Branch & Criminal Intelligence, Pathankot and vide report dated 11.03.2024 (Annexure P-5), the petitioner alongwith other accused were exonerated.

Thereafter, the complainant has filed the present complaint bearing No. 801 dated 03.05.2024 wherein the petitioner and other accused have again been summoned vide order dated 16.05.2024 (Annexure P-6) passed by Superintendent of Police Head Quarter, Pathankot.

Learned counsel submits that as per the law laid down by the Hon'ble Supreme Court in '**Krishna Lal Chawla vs. State of U.P. (SC) Law Finder Doc Id# 1816686**', filing of multiple complaints by the same party against same accused is not permitted. It is stated that the petitioner has made a representation dated 20.05.2024 (Annexure P-7) to the respondent No.2-Inspector General of Police, Border Range, Amritsar and submits that the petitioner would be satisfied, at this stage,

if direction is issued to respondent No.3-Senior Superintendent of Police, Pathankot to consider and take a final decision on representation dated 20.05.2024 (Annexure P-7) made by the petitioner in a time bound manner.

Notice of motion.

Mr. Kunwarbir Singh, Assistant Advocate General, Punjab, accepts notice on behalf of respondent No. 1 to 5 and submits that he has no objection in case the prayer made by learned counsel for the petitioner at this stage, is accepted.

After hearing learned counsel for the parties and without going into the merits of the present petition, the same is disposed of with a direction to respondent No.3-Senior Superintendent of Police, Pathankot to forthwith consider the grievance(s) raised by the petitioner in the aforesaid representation and take action thereupon as he/she deems fit, in accordance with law, within a period of two months from the date of receipt of certified copy of this order.

31.05.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

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