

2024.PHHC.151451



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

203

**CWP-11981-2017 (O&M)
Date of Decision: 18.11.2024**

RAJ KUMAR ASOPA AND ANOTHER

... Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Vivek Sethi, Advocate
for the petitioners.

Ms. Akshita Chauhan, DAG, Punjab
for respondents No.1 to 3.

None for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

CM-3473-CWP-2018

Allowed as prayed for.

The affidavit of the petitioner alongwith Annexures P-20 to P-27
are ordered to be taken on record subject to all just exceptions. Registry is
directed to tag the same at appropriate place of the paper book.

MAIN CASE

In relation to the main petition, learned counsel contends that the
said writ petition was filed for seeking issuance of directions to ensure proper
investigation in FIR No.176 dated 10.05.2017 registered at Police Station
Zirakpur, District S.A.S. Nagar (Mohali) under Sections 408, 420 and 120-B

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IPC and Sections 66-B and 66-C of Information and Technology Act and Sections 51, 52A, 63 and 68A of the Copyright Act; and that on account of subsequent developments which have already been placed in CRM-M-21667-2018 (filed for seeking quashing of the said FIR), the present petition has become infructuous.

Learned State Counsel respondents has no objection to the same.

There is a written request for adjournment circulated on behalf of counsel for respondent No.4, who is stated to be out of station.

In view of the statement made by learned counsel for the petitioners, the present writ petition is disposed of as having been rendered infructuous.

CM-19298-CWP-2021

The instant application has been filed for seeking initiation of proceedings under Section 340 Cr.P.C. to prosecute the petitioners under Section 195 of Cr.P.C. on account of filing a forged and fabricated document dated 24.10.2016, which has been appended as Annexure P-11 alongwith the writ petition.

Reply to the application has been filed today in Court, which is duly supported by the affidavits of both the petitioners. It has been averred in the said reply that the application is without any merits and that the son of petitioner No.2 is alleged to have no direct relation with the Australian complainant company of Sandeep Kumar i.e. Friends Connection Pvt. Ltd. It has been stated that the applicant is not the complainant in the criminal complaint which led to registration of FIR No.176 dated 10.05.2017 registered

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at Police Station Zirakpur, District S.A.S. Nagar (Mohali) under Sections 408, 420 and 120-B IPC and Sections 66-B and 66-C of Information and Technology Act and Sections 51, 52A, 63 and 68A of the Copyright Act. It is stated that the instant application has been filed by the applicant at the behest of the complainant whereas the document filed alongwith the present petition as Annexure P-2 is duly attested by the Notary. A supporting affidavit of the Notary has also been attached therewith.

In view of the fact that main writ petition has itself been disposed of as having been rendered infructuous as also the averments contained in the reply filed by the petitioner to the instant application, this Court is not inclined at this juncture to take further cognizance on the instant application filed on behalf of the applicant under Section 340 Cr.P.C. The matter in question being an *inter se* dispute between the litigant and the Court, this Court does not find that precious judicial time should be wasted on such an application.

Dismissed, without prejudice to any other right(s) that the applicant may have against the petitioner herein.

Any other misc. application(s), if any, also stand(s) disposed of accordingly.

NOVEMBER 18, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No