



CRM-M-35898-2023

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

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CRM-M-35898-2023 (O&M)
Date of Decision : August 05, 2024

DEVINDER SINGH DHILLON

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Sushant Kareer, Advocate
for the respondents No.6 and 7.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, a prayer is made for issuance of appropriate directions to the official respondents concerned, not to conduct multiple inquiries on the same subject matter, in violation of the provisions of the Code of Criminal Procedure (hereinafter referred to as the 'Cr.P.C.'), inasmuch as, cognizance of the same offence(s) has already been taken under Section 190(1)(a) of the Cr.P.C. by the learned Magistrate concerned, vide order dated 10.07.2023.

2. On 02.05.2024, this Court had passed the hereinafter extracted order:-

*“On 28.7.2023, a Co-ordinate Bench of this Court had passed
the following order:-*

“At the outset, counsel for the petitioner seeks and is



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granted permission to withdraw the petition qua respondent No.5.

Dismissed as withdrawn qua respondent No.5.

Counsel for the petitioner submits that there is a matrimonial dispute between petitioner's son and complainant's daughter. He has inter-alia contended that a complaint was moved under Section 156(3) Cr.P.C. and vide order dated 10.04.2023, Annexure P-10, learned Judicial Magistrate took its cognizance, but in the meantime, a complaint has been lodged on verbatim allegations for lodging an FIR, which is an abuse of the process. He has placed reliance upon the judgment of Supreme Court in Kapil Aggarwal and others Versus Sanjay Sharma and others 2021 (5) SCC 524 and of this Court in Gurmail Singh Versus State of Punjab and another 2022 (2) R.C.R. (Criminal) 6 to support his argument.

Notice of motion.

On asking of the Court, Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of the official respondents No. 1 to 4.

Respondents No. 6 and 7 be served for 18.10.2023.

Petitioner shall place on record a copy of the complaint on the basis of which impugned notice has been issued.

In the meanwhile, further proceedings pursuant to notice, Annexure P-11, shall remain stayed till the next date."

What surfaced from the perusal of the instant petition is that the cognizance with regard to the same offence has already been taken by the learned Illaqa Magistrate concerned, under Section 190(1)(a) Cr.P.C. vide order dated 10.7.2023. It has also surfaced that a parallel complaint No.2398560 dated 16.1.2023, was filed by the respondent-complainant, which is under enquiry with the Punjab Police.

There is no document attached with the instant petition which could reflect about the status of enquiry, therefore, the submissions made by the learned counsel for the petitioner that he is being



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hounded by way of multiple enquiry is prima facie seems to be not correct.

At this stage, the learned State counsel is directed to file reply to the instant petition, within seven days from today, detailing therein, the stage of the enquiry, of the complaint, made by the present complainant.

Adjourned to 6.5.2024.

To be shown in the urgent list.”

3. Thereafter, on 27.05.2024, the following order was passed by this Court:-

“The petitioner has approached this Court by invoking the inherent powers as envisaged under Section 482 Cr.P.C. for issuance of directions upon the official respondent not to conduct multiple inquiries.

Learned counsel for the petitioner would submit that on 10.4.2023, on a complaint preferred under Section 156(3) Cr.P.C., the Magistrate concerned opted to take cognizance under Section 190(1) (a) Cr.P.C. and declined the prayer for sending the complaint for registration of the FIR. Side by side, on a complaint, which was filed before the police, is also put on enquiry and in which the petitioner has been called, which caused grievance to the petitioner.

On a specific query put to the learned State counsel, whether, despite cognizance taken on the same complaint, what are the reasons for the police to continue with the enquiry, to which the learned State counsel answered that it was infact, an interim directions issued by this Court vide order dated 28.7.2023, whereby, any further action in the enquiry has been stayed and because of which the IO could not finalize the same. Had the stay would not have been there, the investigating agency would have taken the enquiry to the logical end as per the law.

The submissions, as made by the learned State counsel, have merit, therefore, the interim direction, as issued by this Court vide order dated 28.7.2023 is, hereby, vacated. The Investigating Agency is directed to proceed and file its conclusion report on or before the next date of hearing, by specifically considering the order passed by the learned Magistrate concerned on 10.4.2023.

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4. Today, the learned State counsel has filed a status report, on affidavit of Ramninder Singh PPS, Deputy Superintendent of Police, NRI Wing, District S.A.S. Nagar, which is taken on record. This status report reveals that, in pursuance of the hereinabove extracted directions of this Court, enquiry was resumed and concluded with a recommendation for registration of FIR. Accordingly, FIR No.80 dated 01.08.2024, under Sections 420, 406, 498-A of the IPC, has been registered at P.S. NRI, S.A.S. Nagar, against Bhavneet Singh Dhillon and Devinder Singh Dhillon (petitioner).

5. On account of the supervening events, no further direction is required to be passed. Therefore, the instant petition is closed. However, liberty is reserved to the petitioner to, in case his grievance yet survives, take appropriate legal recourse for redressal thereof.

6. Disposed of accordingly.

7. Pending application(s) stand disposed of accordingly.

August 05, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No