



123

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

CRM-M-38943-2024

Date of Decision: August 12, 2024

RAHUL CHAUHAN AND ORS.

....Petitioner(s)

VERSUS

STATE OF PUNJAB AND ORS.

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sidhant Vermani, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 528
Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS) seeking quashing of the
false and frivolous complaint bearing number 792/PC/P dated 26.06.2024
submitted by the private respondent against the petitioners which is currently
pending adjudication before the official respondents and which is based on
the absolutely the same set of allegations which were levelled in other earlier
identical complaints (Annexure P-6).

The instant petition is an example of high-handedness of the
police authorities at District Amritsar whereby the petitioner had to rush to
this Court seeking protection and justice asserting that frivolous complaints
are being filed by one Rajesh Verma, who is none other than a close relative
of the petitioners over a dispute of partition of their ancestral house.



Attention of this Court has been drawn to inquiry conducted by Assistant Commissioner of Police, Central Amritsar City dated 29.07.2021 (Annexure P-7) whereby it has been concluded as under:-

“From the investigation, it has been found that the matter is of the civil nature for the partition of the ancestral house, regarding which the case is already under the consideration in the Hon'ble Court. According to the Majornama given by the locality resident and the recorded statements during the investigation, no truth was found in the allegations made in the complaint filed by the complainant Rajesh Verma. Therefore, the said application does not require any action. It is recommended to consigned the complaint in office.”

Even thereafter, another complaint came to be lodged by respondent No.4-Rajesh Verma and this time inquiry was conducted by Assistant Commissioner of Police, Detective Amritsar, and a report was submitted on 27.10.2022 (Annexure P-6) again recording a finding which would read as under:-

“These two parties are having a dispute with each other regarding the partition of this house. Regarding this matter, the complainant has filed a case number CS/902/2019 in the Hon'ble Court of Sh. Davinder Singh Civil Judge, Junior Division, Amritsar, which is under consideration before the Hon'ble Court, whose next date of hearing is 25-10-2022. That is why it is not appropriate for the police to intervene in this matter. So both the parties should wait for the decision of the Hon'ble Court. In this regard, the complainant had already filed complaint number UID No. 2056446 dated 17-06-2021+ UID NO 2088753 dated 20-07-2022, which was invested by Station House Officer Police Station D Division and Assistant Commissioner of Police Central Amritsar, which was filed in



the office after investigation. During the investigation, it has come to light that in the year 2015, above said Rahul used to work in an artificial jewellery shop of Rajesh Dhawan son of Ramesh Dhawan, resident of Husainpura, Amritsar.

Above said Rahul shot with Rajesh Dhawan's license revolver, which is confirmed from Rajesh Dhawan's statement. During the investigation, the complainant could not provide sufficient evidence regarding the allegations made in the application against Rahul. In addition to the above, during the investigation, the complainant has mentioned in his statement that on 26-10-2021, Raman Kumar, Rahul, Pawan sons of Yashpal, House No. 2021, Near Neeta Karyana Store, Hatamatai Gali, Inside Gate, Hakima, Amritsar etc. are gave injuries to him. In this regard, the Station House officer of the police station, D Division, Amritsar has been instructed to verify the statement regarding the injuries made by the complainant and take appropriate legal action as per the rules. Therefore, no action is required on this application. Application is recommended to be filed in the office.”

The petitioners have been forced to approach this Court once the tale of woes did not come to an end here alone, and are already entangled in a suit for declaration to the effect that the property in question has been sold on a fake and fabricated registered sale deed dated 06.07.1995, thereafter another complaint came to be lodged and on that basis an FIR was finally registered on 04.05.2024 bearing FIR No.0021, Police Station Division D District Police Commissioner Amritsar, under Sections 325, 341, 506, 149 of IPC. Interestingly, in that FIR as well, investigation was conducted and in that also it was concluded. The the allegations qua forcibly picking up of accused and recording videos after taking off clothes, snatching gold chain weighing 10 grams, which was on the neck taken off



along with Rs.10,000/- cash by aiming a revolver at his temple have not come to the Court.

It is on that account the State of Punjab was called upon and Mr. Rajiv Verma, DAG, Punjab on instructions from ASI Gurmeet Singh also has no answer to the photographs as attached at Annexure P-3 (collectively) of the incident which took place in the year 2021 and it was actually respondent No.4 who entered the house of the petitioners and upon calling the police reached the spot and took away respondent No.4 against that incident the instant FIR No.0021 dated 04.05.2024 has been lodged. But, more than 3 years of extra ordinary inordinate delay has not been explained at all.

Faced with the situation, learned State counsel on instructions from ASI Gurmeet Singh assures the Court that petitioners will not be troubled in future during the course of investigation except adhering to the procedure established by law.

The petitioner is satisfied with the aforesaid assurance given by learned State counsel and does not press the instant petition, at this stage.

Disposed of accordingly.

(SANDEEP MOUDGIL)
JUDGE

12.08.2024
Sangeeta

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