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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41545-2024 (O&M)
Date of decision: 28.08.2024

Paramjit Devi

... Petitioner

Vs.

State of Punjab and others

... Respondents

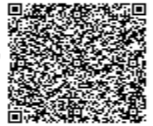
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

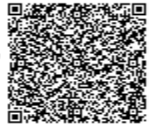
1. Present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for quashing of impugned inquiry report
dated 20.07.2024 (Annexure P-3) conducted by respondent No.7, whereby
the application disclosing commission of cognizable offence submitted by
the petitioner has been recommended to be filed.
2. Learned counsel for the petitioner, *inter alia*, contends that
conduct of the Investigating Officer as well as Enquiry Officer cannot be
overlooked, as they have not conducted the investigation as per the



guidelines issued by a Constitution Bench of the Hon'ble Supreme Court in ***Lalita Kumari Vs. Govt. of U.P. and others, 2013 (4) RCR (Crl.) 979***. It is further contended that Enquiry Officer cannot go into veracity of the allegations. The earlier complaint dated 10.05.2024 (Annexure P-1) made by the petitioner was entrusted to one ASI posted in Police Post City Lehra and he was demanding money from the petitioner to register the FIR and the petitioner hesitantly refused to pay him any bribe. Thereafter, FIR No.19 dated 14.05.2024 under Section 7 of the Prevention of Corruption Act, 1988 has been registered against the said officer and enquiry of the said complaint was handed over to some other officer and he was forcing the petitioner to make a statement in favour of earlier Enquiry Officer. Respondent No.7 conducted a motivated enquiry and prepared a fake and false enquiry report and recommended to file the said complaint.

3. *Per contra*, learned State counsel appears on advance notice and submits that present petition is liable to be rejected. The jurisdictional police authorities have acted in a free and fair manner and also in compliance of guidelines issued by the Hon'ble Supreme Court in ***Lalita Kumari***'s case (*supra*). The alleged incident, as per the petitioner, took place on 23.04.2024 and the jurisdictional police authorities were approached for the first time on 10.05.2024. One of the directions issued by the Hon'ble Supreme Court in ***Lalita Kumari***'s case (*supra*) is to hold a preliminary enquiry in the case, in which allegations are levelled after inordinate and unexplained delay.

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4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no merit in the present petition.

5. The enquiry was initiated on the complaint (Annexure P-1) made by the petitioner herself and as such, she cannot take advantage of the fact that the jurisdictional police authorities cannot embark upon the enquiry to test the veracity of the allegations. The complainant has participated in the preliminary enquiry and has made no complaint against respondent No.7 during pendency of the enquiry and only when outcome of the enquiry was not favourable, the petitioner has approached this Court.

6. Keeping in view the facts and circumstances of the case, this Court finds no ground to interfere in the present matter. Accordingly, present petition is dismissed.

7. However, liberty is granted to the petitioner to avail the alternative remedy for redressal of grievances raised in the present petition, in accordance with law.

28.08.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No