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

CWP-8923-2016

Date of Decision: 24.02.2025

Vijay Shukla

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Neha Jain, Advocate for
Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. In the instant petition prayer has been made for quashing of the orders (Annexure P-9/collectively), complaint dated 10.12.2014 (Annexure P-8), which have been passed by respondent No.2-Non Resident Indian State Commission, Punjab.

2. The Co-ordinate Bench of this Court, at the time of issuance of notice of motion vide order dated 10.05.2016, passed the following order:

*“Learned counsel for the petitioner has argued that the learned Commission has erred in directing reinvestigation of the matter by I.G, N.R.I Affairs through an officer not below the rank of S.P. He has relied upon a Division Bench judgment of this Court in the case of **Jatt Ram Vs. Punjab State Human Rights Commission and another, 2005 (3) R.C.R. (Civil) 315**, in which it has been authoritatively held that the Commission does not have*

*jurisdiction to order reinvestigation (Para 58). He has also referred to a decision in the case of **Punjab State Civil Supplies Vs. Punjab State Human Rights, 2007 CrL LJ 3842** and also a Division Bench judgment of Nagpur Bench of the Bombay High Court, in the case of **Jesamal and another Vs. The State of Maharashtra and others, (CrL Writ Petition No.449 of 2008)** decided on 09.09.2008.*

Notice of motion for 31.5.2016. Dasti.

Till then, operation of the impugned order shall remain stayed.”

3. Initially, an FIR No.127 dated 16.10.2014 under Sections 406/420/120-B of IPC, Police Station Division No.4, Jalandhar, was registered against the present petitioner and his wife, on a complaint made by one Mrs. Mandeep Jaswal. Furthermore, another FIR No.128 dated 16.10.2014 was also registered with the same police station, on the complaint made by the same complainant, regarding exploitation of her daughter. Initially, the matter was investigated, and the same was entrusted to the Superintendent of Police, Police Headquarter, and after conducting a thorough inquiry, it was found that the allegations, as alleged are baseless and concocted. However, after investigation the charge-sheet was filed. Today, learned State counsel having instructions from ASI, Hira Lal informs this Court that in this case, now the charge-sheet has been filed against the petitioner, and now both the FIRs are under judicial scrutiny of the Ld. trial Court concerned.

4. In view of the above, directions issued by the NRI State Commission cannot be put into effect as the investigation has already been

completed. Therefore, this Court is of the considered view that the legality of the orders which is under challenge before this Court, may not go into, at this stage. Accordingly, the instant petition is ordered to be closed. However, liberty is granted to the petitioner to re-access this Court or Ld. trial Court concerned in accordance with law, for redressal of his grievances, if in future, on account of the orders passed by respondent No.2-NRI State Commission causes any grievance.

5. Disposed of, accordingly.

24.02.2025
Parveen kumar

(KULDEEP TIWARI)
JUDGE

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