
(2019) 08 P&H CK 0132

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 16069 Of 2019 (O&M)

Rajnish Thakur And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 22-08-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 173, 482
Indian Penal Code, 1860 — Section 279, 337, 427

Citation : (2019) 08 P&H CK 0132

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : S.P.S.Aulakh, Venu Gopal Jauhar, Abhayveer, Abhinav Sood

Final Decision : Dismissed

Judgement

Mahabir Singh Sindhu, J

Present petition has been filed under Section 482 Cr.P.C. for directing the official respondents Nos.1 and 2 to conduct the fair investigation on the application dated 11.01.2019 (P-3), moved by petitioner No.1-Rajnish Thakur.

It is contended on behalf of the petitioners that they are dealing with the Real Estate and on account of business rivalry, respondent No.6 in connivance with the police officials is bent upon to deprive them from rights of life and liberty. Further contended that on earlier occasion, an attempt was made on their life while giving a colour of road accident on 11.01.2019, but no action was taken by the police against respondent No.6 and his accomplices. Also contended that in pursuance of order dated 09.01.2019 (P-1), passed by this Court in CRM-M No.287 of 2019, the above representation dated 11.01.2019 (P-3) was made by the petitioners, but no action has been taken by the official respondent(s) against the guilty persons.

Learned State Counsel has submitted that the representation moved by the petitioner(s) has already been considered & decided by the competent authority

and regarding the road accident dated 11.01.2019, an FIR was registered and investigation of the same is pending consideration. Further argued that even a criminal complaint, filed by the petitioners, is also pending, therefore, no ground is made out for entertaining the present petition.

Heard learned Counsel for the parties and perused the paper-book. It transpires that on earlier occasion also, petitioners filed a petition bearing CRM-M No.287 of 2019 and the same was disposed off by this Court, vide order dated 09.01.2019 (P-1), directing the official respondent No.2 to treat the said petition as a representation and take appropriate action thereupon in accordance with law, in case found necessary, within six weeks from the date of receipt of certified copy of that order. In reference of the above order, a written representation dated 11.01.2019 (P-3) was moved by the petitioner(s) to the Commissioner of Police, Ludhiana, who has considered the matter.

Paper-book further reveals that petitioners have also filed a criminal complaint dated 08.03.2018 (P-8) against respondent No.6 along with others and the same is stated to be pending before the Court of competent jurisdiction. So far as allegations of road accident dated 11.01.2019 are concerned, an FIR No.07 dated 11.01.2019, under Sections 279, 337 and 427, IPC, Police Station Punjab Agriculture University, District Police Commissionerate Ludhiana was registered in the matter and affidavit dated 02.05.2019, filed by Sh. Sukhchain Singh Gill, IPS, Commissioner of Police, Ludhiana, reveals that after investigation in the matter, report under Section 173 Cr.P.C. is likely to be submitted before the Court of competent jurisdiction.

There is nothing on record to suggest that any representation or complaint of the petitioners is pending with the police against respondent No.6. Since complaint dated 11.01.2019 has already been examined by the competent authority in compliance of order dated 09.01.2019, passed by this Court, therefore, no case is made out to issue any further directions to the official respondents. Consequently, this Court has no option except to dismiss the present petition.

Ordered accordingly.

However, it is clarified that in case the petitioners still have any grievance regarding their life and liberty, they are at liberty to move a written representation to the Commissioner of Police, Ludhiana while appearing in person and the same shall be examined by the police officer concerned in accordance with law.