

CRM-M_40303_2018_PAPER BOOK 03-May-2019 at 13:47

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 40303 of 2018.

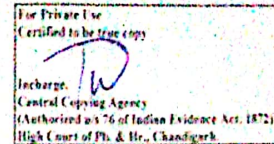
Mukesh Thakur and otherPETITIONER
VERSUS

State of Punjab through its Secretary(Home), Punjab Secretariat,
Chandigarh and otherRESPONDENTS

INDEX

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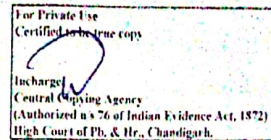


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NOTE: The main law points involved in this Criminal Petition are canvassed in paragraph No.26 at page No.18 thereof.

- Relevant Statutes: Constitution of India, Criminal Procedure Code.



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2. Whether caveat received: No

3. Any other similar case:-

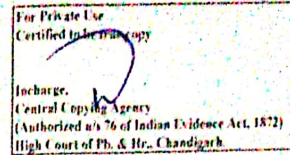
CHANDIGARH

Sanjeev Sharma
SANJEEV SHARMA, ADVOCATE

DATED: 10/09/2018

COUNSEL FOR THE PETITIONER.
(P/863/2013)

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(L)



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A

Urgent Form

In the Hon'ble Punjab and Haryana High Court at Chandigarh.

H.C.J.D./C.50 _____

Application for which urgency is claimed should be submitted to the Deputy Registrar before 11a.m. and will ordinarily be laid before the Judge appointed to dispose the applications of this class with his Petitions on the day following that on which the application is presented.

The Application may, however, if specifically requested and the reasons for the request stated, be submitted for orders on the day of presentation. In no case, however, will an application received after 11 a.m. be submitted for orders on the day of presentation.

To

The Addl. Registrar,
High Court, Chandigarh.
Title of Case

Mukesh Thakur aged(29) and Lucky @ Jai Hind Gupta (aged 34)

...Petitioners

Versus

State of Punjab through its Secretary(Home), Punjab Secretariat,
Chandigarh & ors

...Respondents

Sir,

1. Will you kindly treat the accompanying petitions as an urgent one in accordance with the provisions of Rule-9, Chapter-3-A, Rules and Order High Court, Volume V.

2. The grounds of urgency are
"It is Criminal Miscellaneous Application"

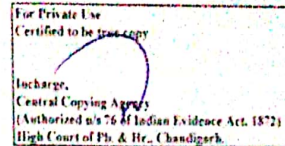
Chandigarh

(Sanjeev Sharma)

(P/863/2013)

Dated: 10/09/2018

Advocates for the petitioner



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B

IN THE HON'BLE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CRM-M No. 40303 of 2018

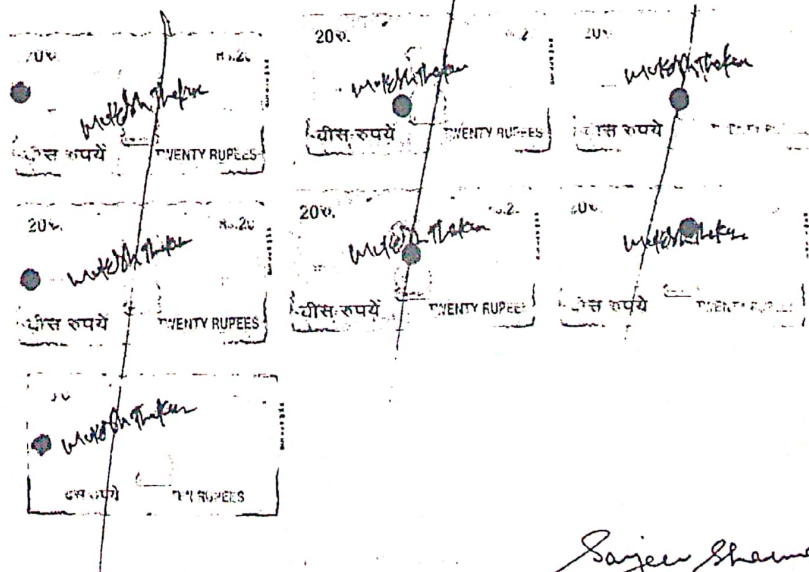
- 1- Mukesh Thakur(aged 29) S/o Late Sh. Indrakant Thakur R/o H.No.14060,
Gali No.2, Ram Nagar Tibba Road, Basti Jodhewal, Ludhiana
 - 2- Lucky(aged 34) @ Jai Hind Gupta S/o Heera Lal R/o Tibba Road, Basti
Jodhewal, Ludhiana
- ...Petitioners

Versus

State of Punjab through its Secretary(Home), Punjab Secretariat, Chandigarh &
ors

...Respondents

INDEX (Court Fees)



Chandigarh

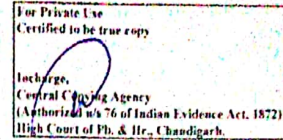
Dated: 10/09/2018

Sanjeev Sharma
(Sanjeev Sharma)

(P/863/2013)

Advocates for the petitioner

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W



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1

SYNOPSIS

Dates	Events/Particulars
	That Petitioner No. 1 is a citizen of india, whistle blower and working as a social activist with Bhristachar Virudh Jagriti Abhiyaan in Ludhiana and Petitioner No. 2 is running clinic in Ludhiana.
01.05.2017	At about 12.45 pm. Petitioner No. 2 saw his balance amounting to Rs.11861/- with Paytm A/c No. 73554-27270 is Zero. He never authorize anybody to withdraw his money from his Paytm account. Thereafter Petitioner No. 2 inquire this matter from Sh. Amrit Pal Singh @ Vikcy (agent/employee of Paytm Company) resident of H.No.14047, Gali No.2, Ram Nagar Tibba Road, Ludhiana, just residing opposite to Petitioner No. 2.
03.05.2017	On 3.05.2017 Petitioner No. 2 sent complaint to Respondent No.15 Assistant Commissioner of Police (E) Ludhiana about illegally withdrawal of money from his Paytm account, which was registered vide UID No. 1088928 (559-5c). But no action was taken upon his complaint.
13.05.2017	After discussion with Petitioner No. 1, Petitioner No. 2 contact with Paytm office at Noida and took details about illegal transfer of amount Rs.11861/- from his A/c and it was also reported by Paytm office that amount in question was transferred to mobile 98031-41252. Thereafter that amount again transferred from 98031-41252 to mobile no. 99888-50660 and then the said amount was finally transferred from Mobile No.99888-50660 to A/c No. 19590100014348 of Bank of Baroda.
15.05.2017	Petitioner No. 2 went to Bank of Baroda, Samrala Road, Ludhiana for enquiry about name and address of A/c holder of the A/c No. 19590100014348. However bank officials denied to disclose details of the said A/c holder, but directed

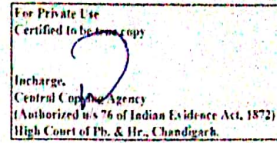
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	to Petitioner No. 2 to file complaint in Police Station.
17.05.2017	On 17.05.2017 Petitioner No.2(Lucky Gutpa) went to PS-Basti Jodhewal to know to status of his complaint dated 03.5.2017 alongwith bank details of Amritpal Singh(Respondent No.12), but the Respondent No.5(Harpreet Singh. ASI) told that the complaint is not traced out. Thereafter Petitioner No.2(Lucky Gutpa) went Respondent No.1(Pawan Jeet Chaudhary)ACP East Office to know the status of his complaint. One official posted in ACP East Office called to PS- Basti Jodhewal to know the status of complaint, then Sh. Harpreet ASI of PS-Basti Jodhewal replied on phone that the complaint has been searched out. Thereafter Petitioner No-2(Lucky Gupta) again went to PS-Basti Jodhewal, and Sh. Harpreet ASI sent Petitioner No-2 at Police Chowki -Tibba.
22.05.2017	On 22/05/2017 Petitioner No-2(Lucky Gupta) filed another complaint to Commissioner of Police Ludhiana stating details. The said complaint registered as vide No.1104070 dated 22.05.2017. But till 30.5.2017 police did not take any action in accordance with law and police shielded/protected the accused namely Sh.Amrit Pal Singh(Agent of Paytm) as he is brother of Respondent No.11(Sukhdev Singh) Food Inspector (brother of accused).
03-06-17	Petitioner No. 2 (Lucky) and Petitioner No. 1 (Mukesh Thakur) met accused Amritpal Singh alias Vicky and on asking details, the said accused denied his involvement in the Crime, but on tracing and learning about details of his mobile no. and A/c. no. he got nervous. On learning about the proof against him, he called his brother Respondent NO.11(Sukhdev Singh Food Inspector). Petitioner No.2 and 1 shown illegal transfer of amount Rs.11861/- from Paytm mobile No.73554-27270 of Petitioner No-2(Lucky Gupta)- to Mobile No.98031-41252 (name not display) and then transfer to Mobile No.99888-50660 Respondent No.12(Amritpal

(Signature)



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	Singh) & whose a/c no.19590100014348 related with bank of Baroda, Samrala road, Ludhiana. He got nervous. On 3.6.2017, hence, Respondent No.12(Amrpal Singh) called his brother Sukhdev Singh who is Food Inspector and Respondent No. 11 abused and threatened the complainant saying "मैं पुलिस कमिश्नर के साथ बैठकर दारु पीता हूँ, मैं 50,000/- खिलाकर तुम लोगों के विरुद्ध ही पर्चा करवाऊँगा" translated i.e. I drink whisky with Police Commissioner and I will give bribe Rs.50,000/- for registering FIR. He threatened to resolve the dispute by taking amount towards actual loss(Rs.40000) and pain, agonies, damages.
04-06-17	On 04-06-2017, therefore, Petitioner No.1 told him to show Bank Statement of accused to found the cheating with other people. However Sukhdev Singh assured that he will give bank statement and amount of actual loss and loss of time, income persuasion amount. In short, he pressurized to settle the matter anyhow. He proposed to pay Rs. 40,000/- towards damages, loss of time, loss of income, pain and agonies. The representative of BVJA, Petitioner No-1(Mukesh Thakur) informed him that in his SANSTHANGO, there is procedure for closing of any case file and for that purpose, he should made satisfy the NGO that it was his first offence, which can be ignored. However, the sanstha/NGO directed to ensure that he did not commit any such offence with other public. Therefore, bank statement of the accused Respondent No.12(Amrpal Singh) was demanded, the Respondent No.11(Sukhdev Singh) intervened and assured to provide bank statement of Respondent No.12 and also demanded an written apology from Respondent No.12, but, Respondent No.11(brother of Amritpal Singh @ Vicky) assured to send the bank statement and also shown readiness for filing written apology. Respondent

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	No.11(Sukhdev Singh) also requested to Petitioner No-2@ Jaihind Gupta and Petitioner No. 1 not to disclose this episode before his father namely Sh. Joginder Singh(now deceased). On 04-06-17, after a day, father of Respondent No.12 alongwith Respondent No.11(brother of Amritpal Singh) and Respondent No.13(Ranjit Singh (mama) came at the clinic of victim Petitioner No-2 and given Rs.20,000/- and they obtain signature of victim on Punjabi transcript letter, as a receipt for the amount Rs.11861/- which was illegally withdrawn by the Respondent No.12. Petitioner No.1(Mukesh Thakur), Respondent No.13(Ranjit Singh) has also signed on receipt as witnesses. Respondent No.11 and 12 had refused to signed on receipt. The father(deceased) of Respondent No.12(Amrit Pal Singh), Respondent No.11(brother) and Respondent No.13(Ranjit singh, mama) had assured to provide Bank statement, apology letter and remaining amount in the evening. On 4.6.2017, it is further submitted that entire episode was saved in CCTV footages of the clinic of victim Petitioner No. 2. Respondent No.6(ASI Swaran Singh, Sh. Davinder and Sh. Mahender(Tibba Chowki) taken all instrument with them to damage the CCTV footage). One another facts is disclosed in DDR No.23 dated 22.06.2017 that one CCTV camera was also installed on the house of Respondent No.1 sister of Respondent No.12(Amritpal Singh Agent of PAYTM) just opposite to clinic of Petitioner No.2.
13-6-2017	On 13-6-2017, when they did not return as per their promise, for providing bank statement and apology letter. Further the victim Petitioner No.2 and Petitioner No.1 got information about involvement of Respondent No.12 (agent of Paytm),

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	for cheating many other people by illegally withdrawing money from their accounts.
15-6-2017	On 15-6-2017, complaint letter dt.13-6-2017 sent by Petitioner No.1 of BVBJA to Commissioner of Police, Passport Office, concerned SHO, Paytm Headquarter Noida, Banking Lokpal RBI through registered post.
17-6-2017	On 17-6-2017, a post by NGO, has been circulated in the social media, FB, whatsapp and also kept on their website, about fraud committed by Respondent No.12. Pamphlets about the fraud with Petitioner No.2 was distributed to aware the general public
18-6-17	On 18-6-17, on asking Mahender Singh Police official posted at PP-Tibba Chowki told us that Respondent No.11(Sukhdev singh brother of Respondent No.12 Amritpal Singh) filed complaint against Petitioner No.2 and Petitioner No. 1. Both Petitioner No.2, 1 and others were made to sit in the police station from 7:00 p.m. to 11:00 p.m., illegally without any lawful ground and Swarn Singh ASI had given threat the petitioners and recorded the statement of petitioners No.1 and 2. Petitioner No.1 called Sh.Kapil Sharma(Respondent No.4) to narrate all the matter. After that Kapil Sharma discussed with Swarn Singh. At the same time Petitioner No.2 and 1 asked the concern police official namely Mahinder about the status of their previous complaint dated 03-05-2017 filed with ACP and with Commissioner on 22-5-2017. Mahender told that Respondent No.6(Swarna Singh ASI) will tell about this matter, but, (Respondent No.6) ignored and supported the accused Respondent No.12. It is submitted that one nephew of sitting M.L.A.(Sh. Nitin Talwar) came at police station and used his influence upon police. The victims demanded copy of complaint filed against them by Respondent No.12(brother of Respondent No.11). But, police did not provide the same

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	to victims.
19-6-2017	On 19-6-2017, Respondent No.11(brother of Respondent No.12) made complaint to Respondent No.14 (Commissioner of Police) Ludhiana, alleging defamation against his family. He falsely stated that there was dispute between Petitioner No.-2(Lucky Gupta) and Respondent No.-12 and the said dispute was resolved by paying Rs.20000/-. But, Respondent No.-11 also concealed the facts regarding Paytm fraud committed by his brother Respondent No.-12. Even Respondent No.-1 (ACP Pawanjit Choudhary) and Respondent No.14, Ludhiana not taken any action against the fraud, even after receipt of clear complaint about Paytm scandle submitted by us. Respondent No. 11 also stated in his complaint that Petitioner No.-2 and 1 demanding Rupees One lacs and leveled false allegations about blackmail. He also leveled many allegations of threats etc. NGO made complaints to Cyber Crime Cell, SAS Nagar Mohali, Chandigarh, through email and letter was forwarded to the Respondent No.-14. It is to be noted that entire police department kept their eyes close over the illegal withdrawal of money from Paytm. It may also be noted that our Government is insisting upon cashless transactions. But, if such incidents are not taken care of, then people will lose confidence on cashless transactions.
21-6-17 & 22.06.17	On 21-6-17 & 22.06.17, Respondent No.10 sister of Respondent No. 12 filed false complaint and medical report which was registered and bearing GD-No.22 dated 22.06.17 Under Section 323 IPC against Petitioner No.2 and whistle blower Petitioner No.1. On 22.6.17 Petitioner No.1(Mukesh Thakur) had given complaint to Respondent No.14 (Commissioner of Police) Ludhiana vide No.1131687 dated 22.6.17 ACP/HQ is annexed.

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22-06-17	On 22.06.2017, the victims Petitioner No. 1 and 2 were called by lady constable of Divn.No1., Kotwali(Ludhiana) and both Petitioners detailed this matter to her. She directed to us to meet Respondent No.7 (ACP Sachin Gupta) and Respondent No.7 asked us that Petitioners misbehave and attacked on girls. Petitioners told him that the complaint is false and try to show him proof(i.e.photo of CCTV camera installed on the poll where incident took place. Petitioners again said to him that Respondent No.11 was protecting the Respondent No.12. But, Respondent No.7 directed to Respondent No.8 and Respondent No.8 again directed to Respondent No.9(I/O Ajit Singh) to register a case under section 307,354 and again ordered to kept the petitioners in lock-up room for whole night. But the family members and relative of petitioners came there and resisted illegal dentation of the petitioners on verbal instruction given by Respondent No.7. After that DDR bearing No.23 dated 22.06.2017 was registered under section 107/151 Cr.P.C in PS-Divn. No.1, Ludhiana. It is clear that a false application was given by Respondent No.10(Navneet Kaur sister of Respondent No.12).
5.07.2017 & 6.07.2017	On 5.07.2017, Petitioner No.1 had sent many complaint to Respondent No.14 through registered Indian Post and other higher authorities. On 6.07.2017, Sh. Subhash Chandra Kundra @ Katty also had sent complaint to Respondent No.14 and Respondent No.8 (Harjinder Singh Bhatti SHO, Divn.-1). In the complaints petitioners had requested to preserve the CCTV footage of cameras which were installed on the house Respondent No.10, the place where the incident took place and the hospital where Petitioner No.2 was present at the time of incident.
10.07.2017 to 17.07.2017	On 10.07.2017, Petitioner No.1 has also sent another complaint to Respondent No.2(Deputy Commissioner) vide

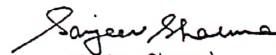
For Private Use
Certified to be true copy
Incharge,
Central Copying Agency
(Authorized by Sec 4 of Indian Evidence Act, 1872)
High Court of Pb. & Hr., Chandigarh.

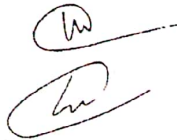
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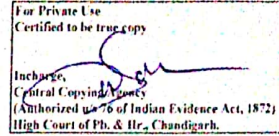
	receipt No.944/CEA dt.10.7.2017 and 12.07.2017 another complaint was sent by both petitioners to Respondent No.14 and Deputy Commissioner and on 13.7.2017 another complaint was sent to (Assistant Deputy Commissioner of Police) vide receipt No.1377-5C/ADCP(1)13.7.2017. We have repeated our request to preserve the CCTV footage to know the reality/truth in the above said complaints. On 17.7.2017 petitioner had made complaint to Respondent No.14(Commissioner of Police).
21.07.2017	On 21.7.2017, Sh. B.P. Singh Gill Advocate has sent a legal notice for Rs.50 lacs on the behalf of Respondent No. 11 and reply dated 5.08.2017 was given by BVJA/NGO on the behalf of Petitioner No.1 and 2.
22.07.2017	On 22.07.2017 Petitioner No.1 filed another complaint to Human Right Commission and Respondent No.14

Chandigarh

Dated: 10/09/2018


(Sanjeev Sharma)
(P/863/2013)
Advocate for the petitioner





CRM-M_40303_2018_MEMO_OF_PARTIES 03-May-2019 at 13:41

9

IN THE HON'BLE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

Memo of Parties

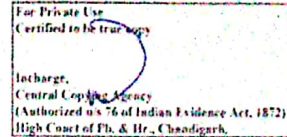
CRM-M No. 40303 of 2018

- 1- Mukesh Thakur(aged 29) S/o Late Sh. Indrakant Thakur R/o H.No.14060,
Gali No.2, Ram Nagar Tibbia Road, Basti Jodhewal, Ludhiana
- 2- Lucky Gupta @ Jai Hind Gupta(aged 34) S/o Heera Lal R/o Tibba Raod,
Basti Jodhewal, Ludhiana

...Petitioners

Versus

- 1- State of Punjab through its Secretary(Home), Punjab Secretariat,
Chandigarh
- 2- Deputy Commissioner, Mini Secretariat, Ferozepur Road, Ludhiana-
141001, Punjab.
- 3- SHO, Police Station-Basti Jodhewal
- 4- Sh.Kapil Sharma (Belt No.2201), the then Chowki Incharge, Tibba Chowki,
(Now Police Station as PS-Tibba)
- 5- Sh.Harpreet Singh, the then ASI, PS-Basti Jodhewal
- 6- ASI Swarn Singh(Belt No.839), PP-Tibba Chowki, (now police stations as
PS-Tibba),
- 7- ACP Sachin Gupta (RR-20'4), IPS-North Ludhiana, now posted
ADCP/Hqrs, & Sec., Jalandhar and addl. charge of DCPO Jalandhar
- 8- Harjinder Singh Bhatti, SHO, Divn. No.1, Police Station Kotwali, Chaura
Bazar, Near Clock Tower, Opp. Akal Market, Ludhiana-141008
- 9- ASI Ajit Singh No.1037/LDH, Divn. No.1, Kotwali, Chaura Bazar, Near
Clock Tower, Opp. Akal Market, Ludhiana-141008



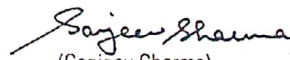
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- 10- Ms. Navneet Kaur (aged 29) d/o Sh. Joginder Singh R/o 14047, Gali No.2, Ram Nagar, Tibba Road, Post Office-Basti Jodhewal, Ludhiana.
- 11- Sh. Sukhdev Singh (aged 36) s/o Sh. Salvinder Singh R/o 14047, Gali No.2, Ram Nagar, Tibba Road, Post Office-Basti Jodhewal, Ludhiana.
- 12- Sh. Amritpal Singh (aged 25) @ Vicky d/o Sh. Joginder Singh R/o 14047, Gali No.2, Ram Nagar, Tibba Road, Post Office-Basti Jodhewal, Ludhiana.
- 13- Sh. Ranjeet Singh (aged 50 approx), R/o C/o 14047, Gali No.2, Ram Nagar, Tibba Road, Post Office-Basti Jodhewal, Ludhiana.
- 14- Commissioner of Police, Mini Secretariat, Ferozepur Road, Ludhiana-141001, Punjab.
- 15- Sh. Pawanjit Chaudhary, the then Assistant Commissioner of Police (East), Ludhiana.

...Respondents

Chandigarh


(Sanjeev Sharma)

(P/863/2013)

Advocates for the petitioner

Dated: 10/09/2018



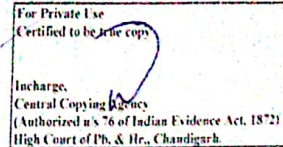
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Petition under section 482 of Criminal Procedure Code praying to quash the Calandra under Section 107/151 Cr.P.C.(Annexure-P21 and arrest memo dated 22.06.2017(Annexure-P22 & P23) for disobedience of the Law laid down by the Hon'ble Supreme Court of India vide their Judgment in case titled 'Madhu Limaye vs Sub Divisional Magistrate, Law laid down by Hon'ble Karnatka High Court vide its judgment in the case titled "Sri Nithyananda Swamiji vs District Magistrate" , Law laid down by Delhi High Court vide its judgments in cases titled , "Ganesh Kumar Sharma vs State & Another" & " Mr Purshottam Ramnani vs Government of NCT of Delhi", Law laid down by Hon'ble Punjab & Haryana High Court vide its judgements in cases titled , "Pardeep Singh Son of Naurang vs The State of Punjab", & CRM-M-32467 of 2015 in case titled "Purshottam Dass Soni Versus State of Haryana" pronounced on 19.2.2016 by this Hon'ble Punjab and Haryana High Court.

BRIEF FACTS OF THE CASE:-

- 1- That Petitioner No.1 is a citizen of india, whistle blower and working as a social activist with Bhristachar Virudh Jagriti Abhiyaan in Ludhiana and Petitioner No. 2 is running clinic in Ludhiana.
- 2- On 1.05.2017, at about 12.45 pm. Petitioner No.2 saw his balance amounting to Rs.11861/- with Paytm A/c No. 73554-27270 is Zero(Annexure-P1). He never authorize anybody to withdraw his money from his Paytm account. Thereafter Petitioner No.2 inquire this matter from Respondent No.12 (Amrit Pal Singh) @Vikcy (agent/employee of Paytm Company) resident of H.No.14047, Gali No.2, Ram Nagar Tibba Road, Ludhiana, just residing opposite to Petitioner No.2(Lucky Gupta).
- 3- On 3.05.2017 Petitioner No.2(Lucky Gupta) went to the office of Commissioner of Police, Ludhiana, but he was not present at seat, so that



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Petitioner No.2 submit his complaint to Respondent No.15 Assistant Commissioner of Police (E), Ludhiana about illegally withdrawal of money from his Paytm account, which was registered vide UID No. 1088928 (559-5c). But no action was taken upon his complaint(Annexure-P2).

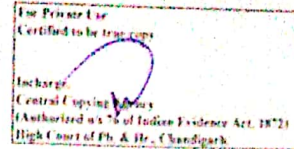
- 4- On 13.05.2017 Petitioner No-2 discussed this matter with Petitioner No.1 and Petitioner No.2 contacted with Paytm office at Noida and took details about illegal transfer of amount Rs.11861/- from his A/c and it was also reported by Paytm office that amount in question was transferred to mobile 98031-41252. Thereafter that amount again transferred from 98031-41252 to mobile no. 99888-50660 and then the said amount was finally transferred from Mobile No.99888-50660 to A/c No.19590100014348 of Bank of Baroda(Annexure-P3).
- 5- On 15.05.2017, Petitioner No.2 went to Bank of Baroda, Samrala Road, Ludhiana for enquiry about name and address of A/c holder of the A/c No.19590100014348. However bank officials denied to disclose details of the said Account holder, but after repeated request he gave us details on paper and directed to Petitioner No-2 to file complaint in Police Station(Annexure-P4).
- 6- On 17.05.2017 Petitioner No.2(Lucky Gutpa) went to PS-Basti Jodhewal to know to status of his complaint dated 03.5.2017 alongwith bank details of Amritpal Singh(Respondent No.12), but the Respondent No.5(Harpreet Singh. ASI) told that the complaint is not traced out. Thereafter Petitioner No.2(Lucky Gutpa) went Respondent No.1(Pawan Jeet Chaudhary)ACP East Office to know the status of his complaint. One official posted in ACP East Office called to PS- Basti Jodhewal to know the status of complaint, then Sh. Harpreet ASI of PS-Basti Jodhewal replied on phone that the complaint has been searched out. Thereafter Petitioner No-2(Lucky Gupta) again went to PS-Basti Jodhewal, and Sh. Harpreet ASI sent Petitioner No-2 at Police Chowki -Tibba.
- 7- Petitioner No-2 met with Respondent No-6(ASI Swarna Singh) at PP-Tibba chowki, and request to take action on his complaint dated 3.05.2017. However, Respondent No-6(ASI Swarna Singh) had thrown his complaint without taking appropriate action and said that you always harassed the gentle people. Thereafter Petitioner No.2 went to bank(as previous details

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was misplaced) to get the details of Account Holder, the bank official had disclosed the details such as A/c holder name is Amritpal Singh alias Vicky and A/c No. 19590100014348.

- 8- On 22/05/2017 Petitioner No-2(Lucky Gupta) filed another complaint to Commissioner of Police Ludhiana stating details. The said complaint registered as vide No.1104070 dated 22.05.2017 (Annexure-P5). But till 30.5.2017 police did not take any action in accordance with law and police shielded/protected the accused namely Sh.Amrit Pal Singh(Agent of Paytm) as he is brother of Respondent No.11(Sukhdev Singh) Food Inspector (brother of accused).
- 9- On 03-06-17, Petitioner No. 2 (Lucky) and Petitioner No. 1 (Mukesh Thakur) met accused Amritpal Singh alias Vicky and on asking details, the said accused denied his involvement in the Crime, but on tracing and learning about details of his mobile no. and A/c. no. he got nervous. On learning about the proof against him, he called his brother Respondent NO.11(Sukhdev Singh Food Inspector). Petitioner No.2 and 1 shown illegal transfer of amount Rs.11861/- from Paytm mobile No.73554-27270 of Petitioner No-2(Lucky Gupta)- to Mobile No.98031-41252 (name not display) and then transfer to Mobile No.99888-50660 Respondent No.12(Amritpal Singh) & whose a/c no.19590100014348 related with bank of Baroda, Samrala road, Ludhiana. He got nervous.
- 10- On 3.6.2017, hence, Respondent No.12(Amritpal Singh) called his brother Sukhdev Singh who is Food Inspector and Respondent No. 11 abused and threatened the complainant saying "मैं पुलिस कमिश्नर के साथ बैठकर दारु पीता हूँ, मैं 50,000/- खिलाकर तुम लोगों के विरुद्ध ही पर्चा करवाऊंगा" translated i.e. I drink whisky with Police Commissioner and I will give bribe Rs.50,000/- for registering FIR. He threatened to resolve the dispute by taking amount towards actual loss and pain, agonies, damages.
- 11- On 04-06-2017, therefore, Petitioner No.1 told him to show Bank Statement of accused to found the cheating with other people. However Sukhdev Singh assured that he will give bank statement and amount of actual loss and loss of time, income persuasion amount. In short, he pressurized to settle the matter anyhow. He proposed to pay Rs. 40,000/-

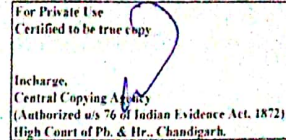


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towards damages, loss of time, loss of income, pain and agonies. The representative of BVJA, Petitioner No-1(Mukesh Thakur) informed him that in his SANSTHA/NGO, there is procedure for closing of any case file and for that purpose, he should made satisfy the NGO that it was his first offence, which can be ignored. However, the sanstha/NGO directed to ensure that he did not commit any such offence with other public. Therefore, bank statement of the accused Respondent No.12(Amrpal Singh) was demanded, the Respondent No.11(Sukhdev Singh) intervened and assured to provide bank statement of Respondent No.12 and also demanded an written apology from Respondent No.12, but, Respondent No.11(brother of Amritpal Singh @ Vicky) assured to send the bank statement and also shown readiness for filing written apology. Respondent No.11(Sukhdev Singh) also requested to Petitioner No-2@ Jaihind Gupta and Petitioner No. 1 not to disclose this episode before his father namely Sh. Joginder Singh(now deceased).

- 12- On 04-06-17, after a day, father of Respondent No.12 alongwith Respondent No.11(brother of Amritpal Singh) and Respondent No.13(Ranjit Singh (mama) came at the clinic of victim Petitioner No-2 and given Rs.20,000/- and they obtain signature of victim on Punjabi transcript letter, as a receipt for the amount Rs.11861/- which was illegally withdrawn by the Respondent No.12. Petitioner No.1(Mukesh Thakur), Respondent No.13(Ranjit Singh) has also signed on receipt as witnesses(Annexure-P6). Respondent No.11 and 12 had refused to signed on receipt.
- 13- On 4.06.2017, the father(deceased) of Respondent No.12(Amrpal Singh), Respondent No.11(brother) and Respondent No.13(Ranjit Singh, mama) had assured to provide Bank statement, apology letter and remaining amount in the evening.
- 14- On 4.6.2017, it is further submitted that entire episode was saved in CCTV footages of the clinic of victim Petitioner No. 2. Respondent No.6(ASI Swaran Singh, Sh. Davinder and Sh. Mahender(Tibba Chowki) taken all instrument with them to damage the CCTV footage). One another facts is disclosed in DDR No.23 dated 22.06.2017 that one CCTV camera was also installed on the house of Respondent No.1 sister of Respondent



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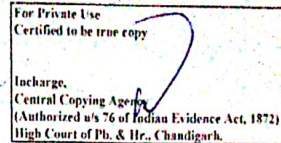
No.12(Amritpal Singh Agent of PAYTM) just opposite to clinic of Petitioner No.2.

- 15- On 13-6-2017, when they did not return as per their promise, for providing bank statement and apology letter. Further the victim Petitioner No.2 and Petitioner No.1 got information about involvement of Respondent No.12 (agent of Paytm), for cheating many other people by illegally withdrawing money from their accounts.
- 16- On 15-6-2017, complaint letter dt.13-6-2017 sent by Petitioner No.1 of BVBJA to Commissioner of Police, Passport Office, concerned SHO, Paytm Headquarter Noida, Banking Lokpal RBI through registered post(Annexure-P7, P8 and P9).
- 17- On 17-6-2017, a post by NGO, has been circulated in the social media, FB, whatsapp and also kept on their website, about fraud committed by Respondent No.12. On 18-6-17, Pamphlets about the fraud with Petitioner No.2 was distributed to aware the general public (Annexure-P10).
- 18- On 18-6-17, on asking Mahender Singh Police official posted at PP-Tibba Chowki told us that Respondent No.11(Sukhdev singh brother of Respondent No.12 Amritpal Singh) filed complaint against Petitioner No.2 and Petitioner No. 1. Both Petitioner No.2, 1 and others were made to sit in the police station from 7:00 p.m. to 11:00 p.m., illegally without any lawful ground and Swarn Singh ASI had given threat the petitioners and recorded the statement of petitioners No.1 and 2. Petitioner No.1 called Sh.Kapil Sharma(Respondent No.4) to narrate all the matter. After that Kapil Sharma discussed with Swarn Singh. At the same time Petitioner No.2 and 1 asked the concern police official namely Mahinder about the status of their previous complaint dated 03-05-2017 filed with ACP and with Commissioner on 22-5-2017. Mahender told that Respondent No.6(Swarna Singh ASI) will tell about this matter, but, (Respondent No.6) ignored and supported the accused Respondent No.12. It is submitted that one nephew of sitting M.L.A.(Sh. Nitin Talwar) came at police station and used his influence upon police. The victims demanded copy of complaint filed against them by Respondent No.12(brother of Respondent No.11). But, police did not provide the same to victims.

- 19- On 19-6-2017, Respondent No.11, Sukhdev Singh (brother of Respondent No.12) made complaint to Respondent No.14 (Commissioner of Police) Ludhiana, alleging defamation against his family (Annexure-P11). He falsely stated that there was dispute between Petitioner No.-2 (Lucky Gupta) and Respondent No.-12 and the said dispute was resolved by paying Rs.20000/-. But, Respondent No.-11 also concealed the facts regarding Paytm fraud committed by his brother Respondent No.-12. Even Respondent No.-1 (ACP Pawanjit Choudhary) and Respondent No.14, Ludhiana not taken any action against the fraud, even after receipt of clear complaint about Paytm scandle submitted by us. Respondent No. 11 also stated in his complaint that Petitioner No.-2 and 1 demanding Rupees One lacs and leveled false allegations about blackmail. He also leveled many allegations of threats etc.

NGO made complaints to Cyber Crime Cell, SAS Nagar Mohali, Chandigarh, through email (Annexure-P12) and letter was forwarded to the Respondent No.-14 (Annexure-P13).

- 20- It is to be noted that entire police department kept their eyes close over the illegal withdrawal of money from Paytm. It may also be noted that our Government is insisting upon cashless transactions. But, if such incidents are not taken care of, then people will lose confidence on cashless transactions.
- 21- On 21-6-17 & 22.06.17, Respondent No.10 sister of Respondent No. 12 filed false complaint (Annexure-P14) and medical report (Annexure-P15) which was registered and bearing GD-No.22 dated 22.06.17 Under Section 323 IPC (Annexure-P16) against Petitioner No.2 and whistle blower Petitioner No.1. On 22.6.17 Petitioner No.1 (Mukesh Thakur) had given complaint to Respondent No.14 (Commissioner of Police) Ludhiana vide No.1131687 dated 22.6.17 ACP/HQ is annexed (Annexure-P17)
- 22- On 22.06.2017, the victims Petitioner No. 1 and 2 were called by lady constable of Divn.No1., Kotwali (Ludhiana) and both Petitioners detailed this matter to her. She directed to us to meet Respondent No.7 (ACP Sachin Gupta) and Respondent No.7 asked us that Petitioners misbehave and attacked on girls. Petitioners told him that the complaint is false and try to show him proof (i.e. photo of CCTV camera installed on the

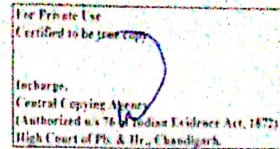


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poll(Annexure P18, P19 and P20) where incident took place. Petitioners again said to him that Respondent No.11 was protecting the Respondent No.12. But, Respondent No.7 directed to Respondent No.8 and Respondent No.8 again directed to Respondent No.9(I/O Ajit Singh) to register a case under section 307,354 and again ordered to kept the petitioners in lock-up room for whole night. But the family members and relative of petitioners came there and resisted illegal detention of the petitioners on verbal instruction given by Respondent No.7. After that DDR bearing No.23 dated 22.06.2017 was registered under section 107/151 Cr.P.C(Annexure-P21, 22 and 23) in PS-Divn. No.1, Ludhiana. It is clear that a false application was given by Respondent No.10(Navneet Kaur sister of Respondent No.12).

- 23- On 5.07.2017, Petitioner No.1 had sent many complaint to Respondent No.14 through registered Indian Post and other higher authorities(Annexure-P25). On 6.07.2017, Sh. Subhash Chandra Kundra @ Katty also had sent complaint to Respondent No.14 and Respondent No.8 (Harjinder Singh Bhatti SHO, Divn.-1)Annexure-P26. In the complaints petitioners had requested to preserve the CCTV footage of cameras which were installed on the house Respondent No.10, the place where the incident took place and the hospital where Petitioner No.2 was present at the time of incident.
- 24- On 10.07.2017, Petitioner No.1 has also sent another complaint to Respondent No.2(Deputy Commissioner) vide receipt No.944/CEA dt.10.7.2017(Annexure-P27) and 12.07.2017 another complaint was sent by both petitioners to Respondent No.14 and 2-Deputy Commissioner (Annexure-P28 and 29 respectively) and on 13.7.2017 another complaint was sent to (Assistant Deputy Commissioner of Police) vide receipt No.1377-5C/ADCP(1)13.7.2017(Annexure-P30). We have repeated our request to preserve the CCTV footage to know the reality/truth in the above said complaints. On 17.7.2017 petitioner had made complaint to Respondent No.14(Commissioner of Police) Annexure-P31.
- 25- On 21.7.2017, Sh. B.P. Singh Gill Advocate has sent a legal notice for Rs.50 lacs on the behalf of Respondent No. 11(Annexure-P32) and reply dated 5.08.2017 was given by BVJA/NGO on the behalf of Petitioner No.1



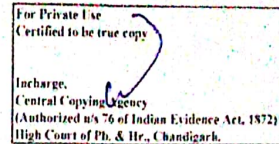
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and 2 (Annexure-P33). On 22.07.2017 Petitioner No.1 filed another complaint to Human Right Commission (Annexure-P34) and Respondent No.14 Commissioner of Police/Ludhiana (Annexure-P35).

26. LAW POINTS

- 1- Whether two separate DDRs No.22 and 23 dated 22.05.2017 can be registered against the petitioners, first DDR No.22 Under Section 107/151 of Cr.P.C. and second DDR No.23 Under Section 323 IPC respectively on the complaint of the respondent No.10, lawful?
- 2- Whether the arrest of the petitioners under sections 107/151 Cr.PC lawful when the complaint filed is under section 323 of IPC. Whether the arrest of the petitioners in such case in violation of the law laid down by copy of head
- 3- whether the action against the petitioners is in violation of law Article 20(2) of Constitution of India.
- 4- Whether the respondents No.8 and 9 are liable to be prosecuted for deliberately violating the law laid down by the Hon'ble Supreme Court of India vide their Judgment in case titled 'Madhu Limaye vs Sub Divisional Magistrate, Law laid down by Hon'ble Karnataka High Court vide its judgment in the case titled "Sri Nithyananda Swamiji vs District Magistrate", Law laid down by Delhi High Court vide its judgments in cases titled, "Ganesh Kumar Sharma vs State & Another" & "Mr Purshottam Ramnani vs Government of NCT of Delhi", Law laid down by Hon'ble Punjab & Haryana High Court vide its judgements in cases titled, "Pardeep Singh Son of Naurang vs The State of Punjab", & CRM-M-32467 of 2015 in case titled "Purshottam Dass Soni Versus State of Haryana" pronounced on 19.2.2016 by this Hon'ble Punjab and Haryana High Court.
- 5- Whether the arrest of the petitioners on 22.6.2017 under section 107/151 Cr.PC should be quashed as per the above mentioned law.
- 6- Whether the petitioners are authorized to get compensation under section 357(3) of Cr.P.C. for their illegal arrest and mental injury undergone by them.



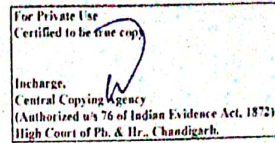
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27. ON MERITS

That vide the law laid down by Hon'ble Punjab and Haryana High Court in CRM-M-32467 of 2015 in case titled "Purshottam Dass Soni Versus State of Haryana" pronounced on 19.2.2016 by this Hon'ble Punjab and Haryana High Court, it was held as follows,

"Thus, the sole question that comes up before this court in these petitions is whether the learned Courts below in their spirit of dispensation of justice have exceeded their jurisdiction quite in oblivion to the said orders passed by this Court and the likely result of such an intentional lapse on the part of the presiding Officer of the trial Court. The general principle is that once a stay order has been passed should be deemed to take effect as soon as it is passed irrespective whether it is communicated or not. Since such order of stay both in CRM Nos. 5961 and 5962 of 2014 were meant for the Court, wherein no one else is involved in for obedience being served immediately and becomes effective without even communication to the Court concerned. In this case it is writ large on the records that these orders of stay were 5 of 7 :: Downloaded on - 07-04-2016 13:20:50 :: CRM-M-32467 of 2015 -6- well communicated by this Court to the Court below and which apparently has set up a subterfuge to escape such a serious misconduct on the part of the Presiding Officer to the orders of the higher Court. Thus, to the mind of this Court even if such a Court proceeds with the case showing ignorance what to say of being in knowledge of the stay order such a Court will not only render itself liable to administrative action which is quite independent but also the result of whatever proceedings are made consequent after passing of the stay order which will be deemed to be without jurisdiction and, thus, a nullity. Thus, as soon as this Court passed order in the present case on 13.2.2015 and 18.2.2015 as the case may be the learned Chief Judicial Magistrate, Rewari and even the learned Appellate Court of learned Additional Sessions Judge, Rewari both were divested of their jurisdiction to pronounce any further order and, therefore, the judgment of conviction is a nullity which the learned Chief Judicial Magistrate acted without



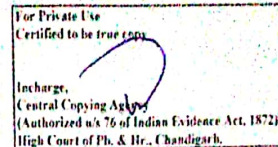
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jurisdiction and his decision has, thus, ceased to hold good being a mere nullity and needs to be outrightly disregarded. Such orders are certainly not immune to review by way of revision or petition under Section 482 Cr.P.C. as it is the very basic fundamental rule of law that stood destroyed by such an outrageous conduct of the Court below. Furthermore, orders dated 11.9.2015 issued by learned Chief Judicial Magistrate, Rewari by way of issuance of non-bailable warrants of the petitioner consequent upon passing of stay order by this Court are also without jurisdiction and needs to be set aside, therefore, the orders cancelling the bail and forfeitures of bail bonds are outrightly set aside holding that same too were exercised without jurisdiction. Exercising inherent power this Court deems it appropriate to hold that all the orders passed by the Court below subsequent to the stay order of this Court are a nullity whatever consequences they may be of. 6 of 7 :: Downloaded on - 07-04-2016 13:20:50 :: CRM-M-32467 of 2015 -7- In the light of this intentional gross misconduct and total arrogance by then learned Chief Judicial Magistrate, Rewari as well as his utter disrespect and disregard to judicial orders of Superior Court entails not only initiation of contempt of Court proceedings as well as separate administrative action against him. Registrar Judicial to do the needful as per law and rules. The same be also intimated to the Hon'ble Administrative Judge, wherever, this officer is presently posted. In the light of what has been discussed and detailed above all the impugned orders/judgment of conviction passed by the Court below are hereby set aside and, thus, quashed. Both the instant petitions stand allowed in those terms. Copy be sent to Registrar Judicial for necessary compliance as well. (FATEH DEEP SINGH) JUDGE February 19, 2016"

28. Hon'ble Delhi High Court in case titled Ganesh Kumar Sharma vs State & Another has laid down the following law:

From the statements of the parties recorded by Head Constable Kailash, it is clear that there is a landlord tenant dispute between the parties regarding which proceedings were pending at the relevant time. That being so, it is difficult to infer in absence of any

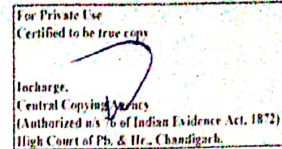


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cogent evidence that the members of public were affected by the alleged exchange of hot words between the petitioner and Sh. Randhir Singh or there was any possibility of the breach of peace or disturbance of public tranquility, particularly when the petitioner himself has informed the PCR by giving a telephone call. The sole object of initiating proceedings under Section 107 of the Code of Criminal Procedure is preventive with a view to ensure maintenance of public peace and tranquility and it cannot be used as a handle to settle private dispute between the parties. Further, non- application of mind to the facts and circumstances of the case by the Special Executive Magistrate is apparent from the fact that in the notice under Section 111 Cr.P.C., learned Special Executive Magistrate has tried to project as if that the petitioner had been fighting with and abusing the landlord time and again on the issue of parking of car, whereas in the statement of Sh. Randhir Singh there is a reference to only one incident which took place on 26.03.2009. Even otherwise from the aforesaid statement of Sh. Randhir Singh, it cannot be inferred that the act of the petitioner had potential to breach public peace and tranquility. Consequently, in my considered view, the proceedings under Section 107 of the Code of Criminal Procedure against the petitioner and the consequent notice under Section 111 Cr.P.C. are without any justification and liable to be quashed.

Otherwise also, as per Section 107 Cr.P.C., the Special Executive Magistrate can seek bond for maintaining peace for a period not exceeding one year. In the instant case, show cause notice under Section 111 Cr.P.C. was issued on 11.07.2009 i.e. slightly less than two years back. Sh. Randhir Singh when asked whether after 26.03.2009 any quarrel or fight has taken place between him and the petitioner replied in the negative. This imply that since the issue of show cause notice under Section 111 Cr.P.C., the petitioner has not indulged in any activity, which could have caused breach of peace and public tranquility. As such, even it is assumed for the sake of arguments that notice under Section 111 Cr.P.C. was issued rightly, now after almost two years from the



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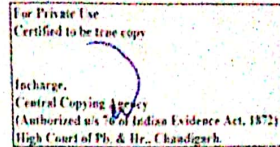
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date of issue of notice, there is no reason to continue with the preventive proceedings under Section 107/150 Cr.P.C.

In view of the above, the petition is allowed. Proceedings under Section 107/150 Cr.P.C. as well as show cause notice under Section 111 Cr.P.C. are hereby quashed.

29. Hon'ble Karnatka High Court in case titled Sri Nithyananda Swamiji vs District Magistrate has laid down the following law:

Section 151 of Cr.P.C. deals with 'Arrest to prevent the commission of cognizable offences. According to the provision of Sub-section (1) of Section 151, 'A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented'. Sub-section (2) directs that 'No person arrested under sub-section (1) shall be detained in custody for a period exceeding 24 hours from the time of his arrest unless his further detention is required or authorized under any other provisions of this Code or of any other law for the time being in force'. Perusal of the FIR in the case on hand indicates that the respondent-police had registered the case for the offence under Section 107 r/w. 151 of Cr.P.C.. This court is not able to understand as to how the police officer could register the case for the offences under Sections 107 and 151 of Cr.P.C. when those sections does not deal with any offence and they deal only with the preventive measures. Therefore, the registration of the FIR under those Sections is without any authority, as those sections does not deal with any offences. Perusal of the certified copy of the proceedings before the District Magistrate would indicate the further illegality in the proceedings. Based on the FIR submitted by the respondent-police, the District Magistrate initiated the proceedings under Section 107 of Cr.P.C. On the very same day, the petitioner was arrested and produced before the District Magistrate and the District Magistrate remanded the petitioner to the judicial custody for a period of seven days. As noticed supra, reading of Sections 107,

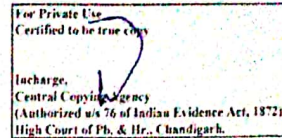


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111, 116 and 151 of Cr.P.C., does not indicate any power on the part of the executive magistrate to remand the petitioner to judicial custody, since it is not shown that his detention was required in any other case nor his detention was authorized for any of the other offence. As noticed supra, the only circumstance in which the District Magistrate or the Executive Magistrate could detain a person in custody is, where the Executive Magistrate passes an order in writing directing the person to execute an interim bond pending enquiry in terms of Section 116 (3) of Cr.P.C., and failure or default on the part of such person to execute such interim bond. Even such detention would be upto the date of execution of the interim bond or upto the conclusion of the enquiry. There is absolutely no material on record to indicate that the District Magistrate in exercise of power under sub-section (3) of Section 116 of Cr.P.C. directed the petitioner to execute an interim bond pending enquiry. Therefore, there was no compulsion on the part of petitioner to execute interim bond. Therefore, the District Magistrate had no authority to remand the petitioner to judicial custody, as such, the remand of the petitioner to judicial custody was without authority of law. The order dated 14.06.2012 passed by the District Magistrate directing the petitioner to execute a bond for a sum of Rs.1,00,000/- with two sureties for the like-sum to be in force for a period of one year, without holding any enquiry as required under Section 116, is contrary to law and without jurisdiction. There also appears to be no preliminary order as required by Section 111 of Cr.P.C.. Therefore, the entire proceedings before the District Magistrate, Ramanagara, initiated under Section 107 of Cr.P.C. and various orders passed therein are contrary to law and without any jurisdiction. Therefore, the FIR as well as the further proceedings taken thereon are required to be quashed.

In the result, the petition is allowed. The FIR registered by the respondent-police in Crime No.308/2012 and the proceedings thereon taken before the District Magistrate culminating in the orders directing the petitioner to execute the bond, are hereby quashed.

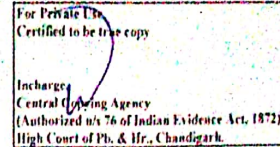


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30. Hon'ble Supreme Court in case titled Madhu Limaye vs Sub Divisional Magistrate has laid down the following law:

Bhargava, J. I agree with the judgement of my Lord the Chief Justice, with the exception that I am unable to subscribe to the view that, in proceedings started under section 107 of the Code of Criminal Procedure, the Magistrate can direct the person, in respect of Whom an order under Section 112 has been made, to execute a bond, with or without sureties, for keeping the peace pending completion of the enquiry and, in default, detain him in custody until such bond is executed, only after he has entered upon the enquiry under section 117(1) and has found a prima facie case satisfying himself about the truth of the information on the basis of which the proceedings were started. This interpretation, in my opinion, will completely defeat the purpose of section 117(3). It has to be noticed that, when proceedings are contemplated under section 107, the Magistrate takes action when he is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity, only after forming an opinion that there is sufficient ground for proceeding against him. The Magistrate cannot start the proceedings merely because of the information received by him. Pursuant to the information, the Magistrate has to form his opinion that there is sufficient ground for proceeding. This opinion can be formed on the basis of the information supplied to him if he finds that the information is given in sufficient detail and is reliable enough to justify his acting on its basis. In cases where the information given is not of such nature, it will be the duty of the Magistrate to hold further inquiry and satisfy himself that it is a fit case where action should be taken because sufficient grounds exist. There may be cases where the information may be received from the Police in which case the Magistrate may examine all the Police papers and satisfy himself that there do exist sufficient grounds for him to take the proceedings as requested by the Police. There may be cases where the proceedings may be instituted at the instance of a private complainant who may be apprehending breach of the peace by the person complained

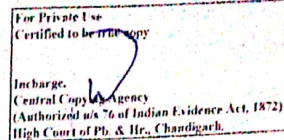


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against. In such cases, the Magistrate is bound either to hold some inquiry himself by examining witnesses on oath or to have an inquiry made through the Police, so that he may be able to form a correct opinion as to the existence of sufficient grounds for proceeding. It is after the Magistrate has taken these steps that he can proceed to make the order under section 112. When, making that order, he has to record in it in writing the substance of the information received which necessarily means the part of the information which was the basis of his opinion that sufficient ground exist for initiating the proceedings. It is at this preliminary stage that the Magistrate is thus required to ensure that a prima facie case does exist for the purpose of initiating proceedings against the person who is to be called upon to furnish security for keeping the peace. After the order under section 112 has been issued, the procedure to be adopted is that contained in sections 113 and 114. If such person is present in Court, the order under section 112 has to be read over to him and, if he so desires, the substance thereof has to be explained to him. If he is not present in Court, the Magistrate has to issue a summons requiring him to appear, or, when such person is in custody, a warrant, directing the officer in whose custody he is, to bring him before the Court. Another alternative procedure is laid down for cases where it appears to the Magistrate that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person; in such case, the Magistrate can issue a warrant for the arrest of that person. It is under this procedure that the person appears or is brought before the Court. The proceedings to be taken thereafter are laid down in section 117(1) which requires that, as soon as the order under s. 112 has been read or explained to the person present in Court under s. 113, or to the person who appears or is brought before a Magistrate under s. 114, the Magistrate has to proceed to enquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary. This inquiry under sub-s.(2) of s. 117 has to be held in the manner prescribed for conducting trials and recording

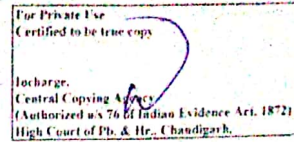
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evidence. in summons cases. Sub-s. (1) of section 117, thus, contains a mandatory direction on the Magistrate to start proceedings of inquiry as soon as the person, in respect of whom the order under s. 112 has been made, appears before the Magistrate. 'Section 117(1) makes it clear that the Magistrate must institute the inquiry without any unnecessary delay. This provision cannot, however, be interpreted as requiring that the inquiry must begin immediately when the person appears in the Court. Obviously, such a requirement would be impracticable. In a case where a summons is issued to the person to appear in Court, or a warrant is issued under the proviso to s. 114 for his arrest, the date and time when the person will appear in the Court of the Magistrate will always remain uncertain. Some time will have to be taken in serving the summons and, depending on the distance and accessibility of the place where the persons happens to be, the time taken in serving the summons will vary. Even in cases where a warrant is issued under the proviso to S. 114, the person may not be produced in Court immediately because of the place of his arrest which may be miles away from the Court of the Magistrate. The Legislatures could not have contemplated that, in such contingencies, witnesses must be kept ready in the Court of the Magistrate awaiting the appearance of the person concerned, so that the Magistrate can start the inquiry immediately. Further, the inquiry under s. 117(1) is directed in the manner prescribed for conducting trials in summons cases. The result of the inquiry can be that the person concerned can be asked to execute bonds and give sureties for keeping the peace and, if he commits default in doing so, he can be detained in prison losing his personal liberty. In such cases, the person concerned has a right to be represented by a lawyer in the inquiry. Consequently, when he appears before the Magistrate, he can legitimately ask for a reasonable adjournment to enable him to engage a lawyer of his choice and, thus, at his own request, he can ensure that the inquiry does not begin immediately. The proper interpretation of sub-s. (1) of section 117, in my opinion, is that the inquiry must be begun as soon as practicable and a Magistrate would be committing a breach of the direction



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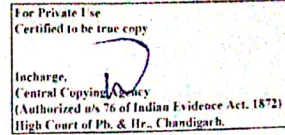
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contained in this sub-section if he postpones the inquiry without sufficient reasons. It is in the light of these principles that, in my opinion, the power granted to the Magistrate under section 117(3) should be interpreted. That power is given for cases where immediate measures are necessary for the prevention of a breach of the peace. In such a situation, the Magistrate can direct the person, in respect of whom the order under s. 112 has been made, to execute a bond, with Or without sureties, for keeping the peace pending completion of the inquiry under s. 117(1) and, if he fails to execute the bond, the Magistrate can direct his detention until the enquiry is concluded. This power to be raised by the Magistrate in emergent cases has been conferred in the back-ground of the procedure which he has to adopt under section 107 of forming an opinion, after receipt of information, that there do exist sufficient grounds for taking proceedings. At the first stage, when forming such opinion, the Magistrate naturally acts ex parte and has to rely on information supplied to him or other information obtained by him in the absence of the person against whom proceedings are to be taken. It is on the basis of that opinion that the Magistrate proceeds to make the order under s. 112 and is empowered even to issue a warrant of arrest under the proviso to section-114. The power under s. 117(3) is most likely to be invoked in cases where the Magistrate has, at an earlier stage, issued the warrant under the, proviso to s. 114. This is so because 'the warrant is issued in cases where breach of the peace cannot be prevented otherwise than by immediate arrest, and S. 117(3) also is to be invoked where the Magistrate considers that immediate measures are necessary for prevention of breach of the peace. The Legislature, having empowered the Magistrate to issue warrant of arrest, naturally proceeded further to give power to the Magistrate in such cases to direct that bonds for keeping the peace be furnished pending completion of the inquiry. The expression "completion at the inquiry" must be interpreted as the period covered from the beginning of the inquiry until its conclusion. The bonds can, therefore, cover the period from the moment the inquiry is to begin. Such a power for requiring that bonds be furnished pending inquiry is obviously

necessary where there is immediate danger of breach of the peace and immediate measures are necessary for its prevention. The order is made on the basis of the earlier opinion formed by the Magistrate under S. 107. Subsequently, of course, when the inquiry is held under s. 117(1), the correctness of the information and the tentative opinion formed ex parte under S. 107 will be properly tested after going through the judicial procedure prescribed for the trial of summons cases and, thereupon, if it is found that there was no justification, the order would be revoked. In my opinion, the grant of such a power to a Magistrate is a very reasonable restriction on the personal liberty of a citizen. It is needed for prevention of crimes and it can only be effective if its exercise is permitted on the basis of opinion formed by competent authority that immediate measures are required. That, under s. 117(3), a person can be detained in prior to a Court arriving at a judicial finding against such a procedure is not only reasonable, but essential.

In this respect, the power of a Magistrate in regard to an accused of a cognizable offence is comparable. If a Magistrate has sufficiently reliable information to form an opinion that a person has committed a cognizable offence, the Magistrate can order his detention as an undertrial prisoner. At that stage, the law deems that person still to be innocent and, yet, his detention in prison is considered reasonable in order to ensure that a proper trial can be held and there is no repetition of the offence of which that person is accused. This detention as an under-trial prisoner is also based on the ex parte opinion formed by the Magistrate before the actual trial. The power granted under S. 117(3) is very similar and is intended to ensure that the person, from whom breach of the peace is apprehended, is not at liberty to commit breach of the peace and thus defeat the purpose of the proceedings by being allowed to remain at liberty without any undertaking during the pendency of the inquiry.

31. Hon'ble Punjab & Haryana in case titled as Pardeep Singh Son of Naurang vs The State of Punjab has laid down the following law:



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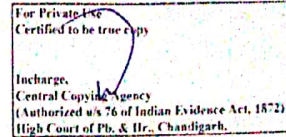
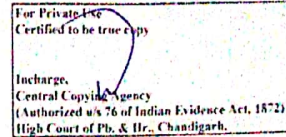
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The provisions of Section 111 Cr.P.C. read as follows:-

"111. Order to be made.-When a Magistrate acting under Section 107, Section 108, Section 109 or Section 110, deems it necessary to require any person to show cause under such Section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the terms for which it is to be in force, and the number, character and class of sureties (if any) required."

The above provisions provide that the Magistrate shall make an order in writing setting forth the substance of the information received, the amount of bond to be executed, the term for which it is to be in force and the number and class of sureties (if any) required. The object of the security proceedings under Cr.P.C. is to prevent to breach of peace. However, before taking steps for arrest, the Magistrate must have reasons to fear for the breach of peace and it must appear to him that such breach of peace cannot be prevented otherwise than by immediate arrest of the person. A perusal of the above orders dated 1-4-2001 and 5-4-2001 do not show any application of mind by the learned Magistrate setting forth the substance of the information received or as to whether there was application of mind on the part of the Sub Divisional Magistrate showing that there was threat of breach of peace. The orders are clearly cryptic. In Madhu Limaye's case (supra), the Hon'ble Supreme Court made the following meaningful observations:-

"It has to be noticed that, when proceedings are contemplated under Section 107, the Magistrate takes action when he is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity only after forming an opinion that there is sufficient ground for proceeding against him. The Magistrate cannot start the proceedings merely because of the information received by him. Pursuant to the information, the Magistrate was to form his opinion that there is sufficient ground for proceeding. This opinion can be formed on the basis of the information supplied to him if he finds that the information is given in



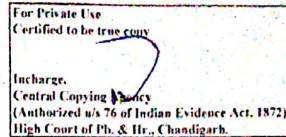
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sufficient detail and is reliable enough to justify his acting on its basis. In cases where the information given is not of such nature, it will be the duty of the Magistrate to hold further inquiry and satisfy himself that it is a fit case where action should be taken because sufficient grounds exist. There may be cases where the information may be received from the Police in which case the Magistrate may examine all the police papers and satisfy himself that there do exist sufficient grounds for him to take the proceedings as requested by the Police. There may be cases where the proceedings may be instituted at the instance of a private complainant who may be apprehending breach of the peace by the person complained against. In such cases, the Magistrate is bound either to hold some enquiry himself by examining witnesses on oath or to have an inquiry made through the police so that he may be able to form a correct opinion as to the existence of sufficient grounds for proceedings. It is after the Magistrate has taken these steps that he can proceed to make order under Section 112 (now Section 111 Cr.P.C.).

When making that order, he has to record in it in writing the substance of the information received which necessarily means the part of the information which was the basis of his opinion that sufficient grounds exist for initiating the proceedings. It is at this preliminary stage that the Magistrate is thus required to ensure that a prima facie case does not exist for the purpose of initiating proceedings against the person who is to be called upon to furnish security for keeping the peace.

After the order under Section 112 has been issued, the procedure to be adopted is that contained in Sections 113 and 114. If such person is present in Court, the order under Section 112 has to be read over to him and, if he so desires, the substance thereof has to be explained to him. If he is not present in Court, the Magistrate has to issue a summons requiring him to appear, or, when such person is in custody, a warrant, directing the officer in whose custody he is to bring him before the Court."



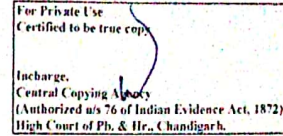
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The above authoritative dictum of the Apex Court clearly spells out the procedure for the Magistrate to follow before passing an order as contemplated under Section 111 Cr.P.C. Besides, in the reply, it has been stated that security proceedings do not relate to any cognizable offence but these are on preventive measure to check the prevention of cognizable offences and, therefore, there was no need to record the statement of witnesses in the security proceedings. The Hon'ble Delhi High Court in Jagdip's case (supra) however held as follows:-

"The perusal of the two reports of the police officers which resulted in the registration of a case under Section 107/151 Cr.P.C. also indicate that petitioners were raising hue and cry and were threatening the public at large that they would take revenge against the person who will support Harish Pandit. In spite of the interference of the Police officers, the petitioners continued extending such like threats. In this report, the Police Officers have not named any person who happened to be present at that place. They did not record the statement of any witness in support of these averments. This flimsy story cannot be believed. It just cannot happen in this manner. In the normal course, the threats can be extended to a particular person who is known to be the close friend or relation or a sympathiser or their adversaries. One cannot expect from a person with some sense to create a sensation at any place without any rhyme or reason.'

The Magistrate having clearly failed to apply his mind to the information received and having failed to set forth the substance of the information received and putting the same to the petitioners, besides also failing to satisfy himself as to there being any threat or breach of peace, in my opinion, the initiating of proceedings under Sections 107/151 Cr.P.C. are in violation of the Supreme Court decision in Madhu Limaye's case (supra). Therefore, further continuation of the proceedings would be an abuse of the process of the Court. It may also be noticed that for the offences attributed to the petitioners, case FIR No. 10 dated 5-2-2001 already stands



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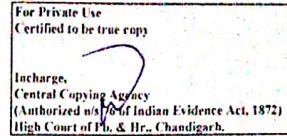
registered at police station Sahnewal in which both the parties are involved. Parties would face their trial in accordance with law.

For the foregoing reasons, this petition is allowed. The report dated 1-4-2001 Annexure P-5 and all the consequential proceedings thereto are quashed.

32. Hon'ble Delhi High Court in a case titled as Mr Purshottam Ramnani vs Government of NCT of Delhi has laid down the following law:

Petitioner was falsely implicated in proceedings under Section 107/151 Cr.P.C. and was taken into custody. Respondent No. 4, with the help and connivance of police took forcible possession of flat No. 198, Swastik Kunj, Rohini. Petitioner furnished surety bond before Special Executive Magistrate on 29.8.2007 and was released from the jail on 30.8.2007. After his release from jail, when he reached his flat No. 53, Swastik Kunj, where he was living for past 8 years, he noticed that outer lock of the door had been broken and Respondent No. 4 had removed all belongings of the Petitioner. Petitioner approached the concerned Police Station and brought these facts to the notice of the SHO. Instead of registering his complaint, police officials threatened him that in case he visited the flat again another proceedings under Section 107/151 Cr.P.C. shall be initiated against him. Petitioner made complaint to the higher police officials but in vain. On 22.9.2007, Respondent No. 4 called upon the Petitioner to return all original documents of the flats and threatened that in case those are not returned, she would get the Petitioner eliminated. Petitioner stated that he was forced to live in a 'dharamshala' as he was not in a position to live in flat No. 53 and also had no other house. The Petitioner then sent a complaint to the Chief Justice of Delhi High Court with copy to the Respondent No. 1. He has challenged the action of the police on various grounds.

- A perusal of proceedings under Section 107/151 Cr.P.C. would show that on receipt of DD No. 10A ASI Sultan Singh went to the spot where he found Petitioner in drunken condition and abusing Urvashi Bansal and the labourers, who were working in the



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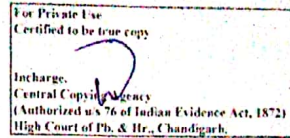
flat No. 198, Swastik Kunj. He was ready to beat the labourers and said that this was his house. Respondent No. 4 made a complaint to him that after her husband death, Petitioner pretended to be her brother. They had also lived together even during the lifetime of her husband in flat No. 53, Swastik Kunj, but separately. After death of her husband Petitioner wanted to capture her flats. She had three flats, which were her property. She went to the flat for some labour work and the Petitioner obstructed and was ready to beat the labours. ASI Sultan Singh in his report observed that there was a quarrel for possession of property and some crime might take place. However, proceedings under Section 107/151 Cr.P.C. were initiated against the Petitioner and he was taken in custody.

Section 145 Cr.P.C. is a specific provision to be invoked if a dispute is in respect of immovable property and it reads as under:

145 Procedure where dispute concerning land or water is likely to cause breach of peace - (1) Whenever an Executive Magistrate is satisfied from a report of a police officer or upon other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within his local jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, on a specified date and time and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

(2) For the purposes of this section, the expression "land or water" includes buildings, markets, fisheries, crops or other produce of land, and the rents or profits of any such property.

(3) A copy of the order shall be served in the manner provided by the Code for the service of a summons upon such person or persons as the Magistrate may direct, and at least one copy shall be published by being affixed to some conspicuous place at or near the subject of dispute.



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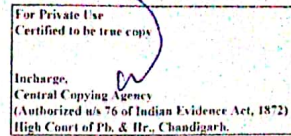
(4) The Magistrate shall then, without reference to the merits or the claims of any of the parties, to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive all such evidence as may be produced by them, take such further evidence, if any as he thinks necessary, and, if possible, decide whether and which of the parties was, at the date of the order made by him under Sub-section (1), in possession of the subject of dispute:

Provided that if it appears to the Magistrate that any party has been forcibly and wrongfully dispossessed within two months next before the date on which the report of a police officer or other information was received by the Magistrate, or after that date and before the date of his order under Sub-section (1), he may treat the party so dispossessed as if that party had been in possession on the date of his order under Sub-section (1).

(5) Nothing in this section shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under Sub-section (1) shall be final.

(6)(a) If the Magistrate decides that one of the parties was, or should under the proviso to Sub-section (4) be treated as being, in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted there from in due course of law, and forbidding all disturbances of such possession until such eviction; and when he proceeds under the proviso to Sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed.

(b) The order made under this sub-section shall be served and published in the manner laid down in Sub-section (3).



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(7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purposes of such proceeding is, all persons, claiming to be representatives of the deceased party shall be made parties thereto.

(8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of such property, and, upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale-proceeds thereof, as he thinks fit.

(9) The Magistrate may, if he thinks fit, at any stage of the proceeding under this section, on the application of either party, issue a summons to any witness directing him to attend or to produce any document or thing.

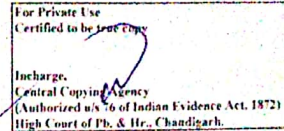
(10) Nothing in this section shall be deemed to be in derogation of the powers of the Magistrate to proceed under Section 107.

From the report of Sultan Singh, ASI it is clear that the dispute between Petitioner and Respondent No. 4 was in respect of possession of the property. Petitioner was claiming to be in possession of flat No. 198, Swastik Kunj on the basis of Power of Attorney and an agreement, while Respondent No. 4 was claiming it to be in her possession. Even if the property belonged to Respondent No. 4, she had admitted that Petitioner had lived in flat No. 53, Swastik Kunj with her even when her husband was alive. It is also evident that original documents and agreement was in custody of Petitioner. Respondent No. 4 was not living at flat No. 198, Swastik Kunj but had gone there with so called labours and the Petitioner found that his lock had been broken. It is also undisputed from the documents placed on record that it was Petitioner, who

gave a call at '100' to police and made a complaint about breaking open the lock by Respondent No. 4. Thus, clearly the proceedings should have been initiated against Petitioner and Respondents under Section 145 Cr.P.C. Though police has power to initiate proceedings under Section 107 Cr.P.C. as well, but one is bound to consider if on being threatened of forcible dispossession, a person calls police, does he commit breach of peace. If informing authorities is breach of peace, then better people settle their dispute without seeking police help. Moreover, it was Respondent No. 4, who had gone to the flat and broken the lock. She was not booked under Section 107/151 Cr.P.C. and only Petitioner was booked under Section 107/151 Cr.P.C. It is evident that the Petitioner was wrongly arrested and booked under Section 107/151 Cr.P.C. and was wrongly sent to jail. The detention of the Petitioner was illegal. In view of specific provisions of Section 145 Cr.P.C., the police should have initiated proceedings against both under Section 145 Cr.P.C. and if required under Section 107 Cr.P.C. The attitude of police only fortifies the claim of the Petitioner that the police was in league with Respondent No. 4 and was helping Respondent No. 4 to recover possession from the Petitioner, forcibly.

The Petition of the Petitioner is allowed and the proceedings under Section 107/151 Cr.P.C. against him are quashed. The Respondent No. 1/Sh. Randhir Singh is directed to initiate proceedings against the erring police officials, who deliberately invoked Section 107/151 Cr.P.C. in an illegal manner in a property dispute where Section 145 Cr.P.C. was to be invoked and wrongly confined Petitioner first in the Police Station and then in the jail. Since, Petitioner was wrongly sent to jail under Section 107/151 Cr.P.C., I consider that Petitioner is entitled to damages. The Petitioner may claim damages by filing a suit for tortious liability against the police, however, a token damage of Rs. 50,000/- is awarded to the Petitioner for wrongful confinement of the Petitioner under Section 107/151 Cr.P.C.

As far as other reliefs sought by the Petitioner are concerned, the Petitioner is at liberty to take appropriate legal

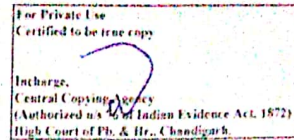


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action before the appropriate Court for recovery of possession of the properties, if he has any kind of right and title over the properties. In Writ Petition, the Court cannot entertain the matter with disputed facts. With these directions, the Writ Petition stands disposed of.

33. That the petitioner has suffered mental injury as defined in section 44 of IPC due to the mala fide actions of the respondents and willful disobedience to the orders/directions/ Law laid down by the Hon'ble Supreme Court of India and this Hon'ble High Court. The petitioner has become a victim due to these actions/no actions of the respondents as defined in section 2(wa) of Criminal Procedure Court. The Hon'ble Supreme Court of India vide its Judgment in **Criminal Appeal No.99 of 2015**, decided on 16.01.2015, in case titled as **Manohar Singh Vs. State of Rajasthan and Others** has laid down the law that "Just compensation to the victim has to be fixed having regard to the medical and other expenses, pain suffering, loss of earning and other relevant factors. While punishment to the accused is one aspect, determination of just compensation to the victim is the other. At times, evidence is not available in this regard. Some guess work in such a situation is inevitable. The compensation is payable under Sections 357 and 357-A CrPC. While under Section 357 CrPC, financial capacity of the accused has to be kept in mind, Section 357-A CrPC under which compensation comes out of the State funds, has to be invoked to make up the requirement of just compensation.
34. That therefore, the petitioner craves indulgence of this Hon'ble Court, may prayer for issuance of the appropriate directions and holding the respondents 1 to 15 be guilty for the offence. The majesty of law may be upheld and the respondents may be restrained from over reaching the court proceedings.
35. That the petitioner has not filed any such similar petition either in this Hon'ble High Court or the Hon'ble Supreme Court of India.
36. The Petitioners had already filed one Cri. Application bearing diary no. 1920271 with prayer to quash F.I.R. No. 343/2017 dated. 19.08.2017 registered by the Police Station-Basti Jodhewal, Ludhiana against the



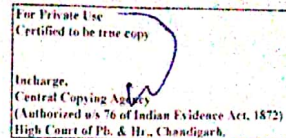
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Petitioner No.1(Mukesh Thakur) and Petitioner No.2(Lucky Gupta). This Cri. Application is under office objection till date. The instant Criminal Application is with prayer to quash D.D.R. No. 22 dated 22.6.2017, D.D.R. No. 23 dated 22.06.2017 and arrest memos dated 22.06.2017 filed by the Police Station-Division No. 1, Ludhiana against the instant Petitioner No.1(Mukesh Thakur) and Petitioner No.2(Lucky Gupta).

37- RELIEF SOUGHT

- a. Petition under section 482 of Criminal Procedure Code praying to quash the Calandra under Section 107/151 Cr.P.C.(Annexure-P21) and arrest memos dated 22.06.2017(Annexure-P22 & P23) for disobedience of the Law laid down by the Hon'ble Supreme Court of India vide their Judgment in case titled 'Madhu Limaye vs Sub Divisional Magistrate, Law laid down by Hon'ble Karnatka High Court vide its judgment in the case titled "Sri Nithyananda Swamiji vs District Magistrate", Law laid down by Delhi High Court vide its judgments in cases titled, "Ganesh Kumar Sharma vs State & Another" & " Mr Purshottam Ramnani vs Government of NCT of Delhi", Law laid down by Hon'ble Punjab & Haryana High Court vide its judgements in cases titled, "Pardeep Singh Son of Naurang vs The State of Punjab", & CRM-M-32467 of 2015 in case titled "Purshottam Dass Soni Versus State of Haryana" pronounced on 19.2.2016 by this Hon'ble Punjab and Haryana High Court, may be allowed.
- b. to order the respondent No.1 to register complaint dated 22.7.2017 addressed to the Respondent No. 1 Ludhiana.
- c. to order to award damages to the petitioner for having been illegally sent to the lockup/prison at the instance of respondents No. 7 and 8.
- d. Award costs in favour of the petitioners & against the respondents.



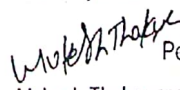
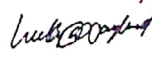
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e. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts & circumstances of the case.

It is further prayed that the petitioners may be given a compensation of Rs.5 lacs each from the respondents for their illegal arrest and mental injury undergone by them.

It is further prayed that exemption from filing the certified copies of the annexures may be given, in the interest of justice.

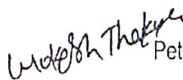
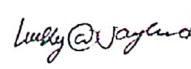
 
Petitioners
Mukesh Thakur and Lucky @ Jai Hind Gupta

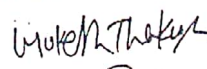
VERIFICATION:-

Verified that the contents of paragraph nos. 1 to 25 & 27 to 37 of the present petition are true and correct to my knowledge and the paragraph no. 26 is based on the legal advice given to me which, I believe to be true and correct. No part of the present petition is false or misstated and nothing relevant has been deliberately kept concealed there from.

Chandigarh

Dated: 10/09/2018

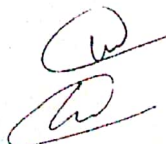
 
Petitioners
Mukesh Thakur and Lucky @ Jai Hind Gupta


(Sanjeev Sharma)
(P/863/2013)

Advocates/Counsels for the petitioner

Chandigarh

Dated: 10/09/2018



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M NO. 40303 /2018

- 1- Mukesh Thakur S/o Late Sh. Indrakant Thakur R/o H.No.14060, Gali No.2,
Ram Nagar Tibba Road, Basti Jodhewal, Ludhiana
 - 2- Lucky Gupta @ Jai Hind Gupta S/o Heera Lal R/o Tibba Raod, Basti
Jodhewal, Ludhiana
- ...Petitioners

Versus

State of Punjab through its Secretary (Home), Punjab Secretariat, Chandigarh &
ors

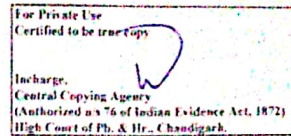
...Respondents

- Affidavit of
1. Mukesh Thakur S/o Late Sh. Indrakant Thakur R/o
H.No.14060, Gali No.2, Ram Nagar Tibba Road, Basti
Jodhewal, Ludhiana.
 2. Lucky Gupta @ Jai Hind Gupta S/o Heera Lal R/o Tibba
Raod, Basti Jodhewal, Ludhiana



I, the above named deponent do hereby solemnly affirm and declare as
under:-

1. That the facts made in the contempt petition is true and correct to my
knowledge and belief and as per the documents placed on record.
Submission of law in the petition has been made as per advice of the
counsel.
2. That the deponent is fully conversant with the facts and circumstances of
the case and the petition is prepared under the instruction of the deponent.
No part of it is false and nothing material has been concealed therein.



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3. That the deponent has not filed any such or similar petition earlier either in this Hon'ble Court or the Hon'ble Supreme Court of India.

Sajen Shama

Mukesh Thakur
Deponents *Lucky @ Jaypud*
(Mukesh Thakur) & (Lucky Gupta)

Verification:-

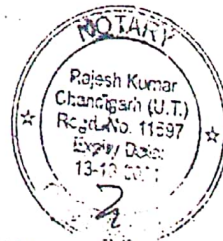
Verified that the contents of Para No.1 and 3 of my above affidavit are true and correct to the best of my knowledge. No part of it, is false and nothing material has been kept concealed therefrom.

Chandigarh

Dated: 10/09/2018

W
W

Mukesh Thakur *Lucky @ Jaypud*
Deponents
(Mukesh Thakur) & (Lucky Gupta)



NOTARY
CHANDIGARH (U.T.)