

ITEM NO.3

VIRTUAL COURT NO.3

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) No.3015/2020

(Arising out of impugned final judgment and order dated 02-07-2020 in CRM-M No.17212/2020 passed by the High Court Of Punjab & Haryana At Chandigarh)

ABHIJIT MISHRA

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(IA No.59707/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No.59708/2020 - FOR EXEMPTION FROM FILING O.T.; and, IA No.59706/2020 - FOR PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 15-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGUDAR

For Petitioner(s) Petitioner-in-person

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

This matter arises out of the disposal of the complaint made by the petitioner herein with the Station House Officer, Police Station Udyog Vihar, Gurugram, Haryana.

The complaint was disposed of by the Police as under:

"It is submitted that upon perusal of the investigation and written statements made by the both sides, the accusations made by the complainant are not proved, and the allegations like threatening and psychological pressure is false. It is further stated that no cognizable offence has been found in the complaint and the complaint pertains to the civil nature which is related to the internal matters of the company. The complainant has already approached the Honorable High

Court in regards as submitted. Thus, the complaint shall be filed in the office, hence report is presented to you.

The challenge was raised to the disposal of the complaint by filing Criminal Miscellaneous No.17212 of 2020@, which was negated by the High Court with the following observations:

"From the above paragraph it is evident that the police has concluded that no cognizable offence has been committed and that the infringement complained has civil attributes. Thus, the petitioner is incorrect in interpreting the same to mean that a non-cognizable offence has been committed. The police has only found that a cognizable offence has not been committed and, thus, no ground exists for registration of an FIR. Hence, Section 155 Cr.P.C. is not attracted."

The petitioner submits that with the observations made by the police, even if he wishes to file a complaint before the Magistrate, the same may result in dismissal.

The apprehension of the petitioner, in our view, is completely misplaced. As and when the appropriate complaint is preferred, the Magistrate will bestow attention and dispose of the same in accordance with law.

Nothing further need be done in the present matter. The special leave petition is, accordingly, disposed of.

Pending application(s), if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER