

Nishant Sharma vs. State of H.P and others

Cr.WP No. 4 of 2025

Item No. P-4

07.02.2025 Present: Petitioner in person.

Mr. Rakesh Dhaulta, Additional Advocate General with Mr.Sidharth Jalta, Deputy Advocate General and Mr. Rajat Chaudhary, Assistant Advocate General, for respondents No.1 to 3.

Mr. Rajiv Rai, Advocate for Mr. Rajender Thakur, CGC, for respondent No.4.

Cr.W.P No. 4 of 2025

Notice. Mr. Rakesh Dhaulta, learned Additional Advocate General and Mr. Rajiv Rai, learned counsel accept notice on behalf of respondents No.1 to 3 and respondent No.4, respectively.

A perusal of the paper book would go on to show that complaint (Annexure P-21) under Section 156(3) of Code of Criminal Procedure was filed by Mr. Keshav Dutt Shridhar, wherein the Judicial Magistrate-First Class, Court No.1, Dharamshala, District Kangra, H.P., had directed the concerned SHO to submit a status report vide order dated 18.11.2024. Apparently, the said complainant has not been made respondent in this petition. To remove the said deficiency and keeping in view the above, Mr. Keshav Dutt Shridhar is impleaded as respondent No.5. Mr. Kush Sharma, learned counsel appears on his behalf. Copy of paper book be

also supplied to respondent no.5 during the course of the day.
Power of attorney on his behalf be filed by the next date of hearing.

Reply be filed by respondents by the next date of hearing.

List alongwith *Cr.W.P No. 14 of 2023*.

Cr.MP No. 406 of 2025

Notice in the aforesaid terms.

The petitioner has pressed for interim relief and in the considered opinion of the undersigned the Magistrate had only called for the status report on the basis of petition filed under Section 156(3) Cr.P.C and it is in such circumstance, the Superintendent of Police, District Kangra at Dharamshala has further directed the SHO, Palampur and Maclodganj to give the details of moveable and immovable properties of the present petitioner.

Perusal of the petition under Section 156(3) would also go on to show that there is apparently a dispute regarding investments made by the complainant and it is not disputed that the present applicant, who is respondent no.2 in the petition filed under Section 156(3) is a resident of Palampur, where Hotel Sai Garden is located, regarding which the allegations have been leveled.

In such circumstances, this Court is of the considered opinion that at present point of time no interim relief as such is liable to be granted, as it would amount to frustrating the order passed by the Magistrate where the status report is to be filed by the Police authorities. The stay application is accordingly dismissed, in view of the above.

(G.S. Sandhawalia)
Chief Justice

7th February, 2025
(priti)