

ITEM NO.27

COURT NO.4

SECTION IIB

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(s) for Special Leave to Appeal (Crl.) No(s). 2723/2016

(Arising out of impugned final judgment and order dated 10/02/2016 in CRMM No. 28263/2015 passed by the High Court of Punjab & Haryana at Chandigarh)

RAJ KUMAR SHARMA

Petitioner(s)

VERSUS

STATE OF HARYANA AND ORS.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and interim relief)

Date : 11/04/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Satinder S. Gulati, Adv.
Mrs. Kamaldeep Gulati, AOR

For Respondent(s)

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

Heard Mr. Satinder S. Gulati, learned counsel for the petitioner.

We are not inclined to transfer the case to another investigating agency. However, it is urged that the High Court has recorded a finding which would disable the petitioner to file a protest petition. The said finding is as follows :

"On the basis of the FIR so lodged at the behest of the petitioner, the police has investigated the matter and while submitting its report has come to a categorical finding of fact that the dispute between the parties is purely civil in nature and no criminal act was found to have been committed.

Admittedly, the petitioner has also not availed the remedy of rendition of accounts."

In our considered opinion, the aforesaid paragraph really does not reflect a finding of the Court but a statement of fact and, therefore, the learned Magistrate, if an application for protest is filed, shall consider it as per law without taking into consideration any observation made by the High Court. We may reiterate, the paragraph, we have reproduced hereinabove, is only reflective of the fact and not any finding.

The special leave petition is accordingly disposed of

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master