

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 :

â- S On the basis of the FIR so lodged at the behest
of the petitioner, the police has investigaed 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.

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Admittedly, the petitioner has also not availed
the remedy of rendition of accounts.â- \235

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) (H.S. Parasher)

Court Master Court Master