

CRM-M-10765 of 2025

2025:PHHC:028097



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10765 of 2025

Date of decision: 27.02.2025

Abhishek Kaushal

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Amit Mehta, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.P.C. for directing the respondents to further investigate the case FIR No.37 dated 07.07.2023 registered under Sections 306/506/34 IPC at Police Station Government Railway Police, Sangrur, by some senior officer not below the rank of Superintendent of Police.

2. Learned State counsel, on instructions from SI Jagwinder Singh, submits that as a matter of fact, the petitioner had earlier filed CRM-M-58240 of 2023 – Abhishek Kaushal v. State of Punjab and others, seeking issuance of directions to respondents No.2 and 3 therein for conducting free and fair inquiry in the aforesaid FIR from any higher official or special investigating team and to take appropriate legal action against respondents No.4 and 5. The said petition was disposed of vide order dated 03.07.2024, which reads as under: -

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“The present petition has been filed under Section 482 Cr.P.C. seeking issuance of directions to respondents No.2 & 3 for conducting free and fair inquiry in case bearing FIR No.0037 dated 07.07.2023 (Annexure P-1) under Section 306 of IPC registered at Police Station GRP Sangrur, District Sangrur from any higher official or special investigating team and take appropriate legal action against respondents No.4 & 5.

The learned State counsel, on instructions from SI Jagwinder Singh, submits that the Investigating Agency has concluded the investigation and submitted the cancellation report before the concerned jurisdictional Magistrate, however, vide order dated 11.05.2024, the cancellation report was not accepted and further investigation has been ordered.

In view of the above, learned counsel for the petitioner wishes to withdraw the present petition at this stage.

Dismissed as withdrawn at this stage.”

3. Learned State counsel submits that the factum of the said petition has not been given in the present petition and on the other hand in para 6 it has been stated that no such or similar petition has earlier been filed in this Court or before the Supreme Court. He further submits that moreso an application with similar prayer has been filed by the petitioner before the JMIC, Sangrur, wherein after notice, the following order was passed on 30.11.2024: -

*“CNR No: PBSG030061222024 CIS No:CRM/900/2024
State of Punjab VS PARVEEN KUMAR AND OTHERS etc.
Present: Sh. Swaran Singh adv for applicant.*

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Reply to application for directing my senior officer to conduct investigation in the said FIR has been filed. Copy supplied. Now, case is adjourned to 16.12.2024 for consideration on the above-mentioned application.

*Date of Order: 30.11.2024 (Navjot Kaur)
Judicial Magistrate - Ist Class-I
Sangrur”*

4. He further informs that next date of hearing in the said case is 18.03.2025. Even, the factum of this application in the Court of Judicial Magistrate Ist Class-I, Sangrur, has not been made in the petition.

5. It is a well-settled proposition of law that a person who does not approach the Court with clean hands and played fraud with the Court, is not entitled for any relief. Reference in this regard can be made to the judgments in *Hari Narain v. Badri Das - AIR 1963 Supreme Court 1558*, *Welcome Hotel and others v. State of A.P. and others - (1983) 4 SCC 575*, *G. Narayanaswamy Reddy (Dead) by LRs. and another v. Government of Karnataka and another - JT 1991(3) SC 12: (1991) 3 SCC 261*, *S.P. Chengalvaraya Naidu (Dead) by LRs. v. Jagannath (Dead) by LRs. and others - JT 1993 (6) SC 331: (1994) 1 SCC 1*, *A.V. Papayya Sastry and others v. Government of A.P. and others - JT 2007 (4) SC 186: (2007) 4 SCC 221*, *Prestige Lights Limited v. SBI - JT 2007(10) SC 218: (2007) 8 SCC 449*, *Sunil Poddar and others v. Union Bank of India - JT 2008(1) SC 308:(2008) 2 SCC 326*, *K.D.Sharma v. SAIL and others - JT 2008 (8) SC 57: (2008) 12 SCC 481*, *G.Jayashree and others v. Bhagwamdas*

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S. Patel and others - JT 2009(2) SC 71 : (2009) 3 SCC 141 and Dalip Singh v. State of U.P. and others - (2010) 2 SCC 114.

6. There is apparent concealment on the part of the petitioner by not disclosing the material facts in the present petition. Consequently, the present petition is dismissed with a costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Lawyers' Welfare Fund, within a period of one month.

27.02.2025
R.S.

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No