

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

**CRM-M No.23190 OF 2015
DATE OF DECISION : 12.08.2015**

KHEM CHAND

....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether reporters of local newspaper may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the digest?

Present : Mr. Ashwani Gaur, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

This petition under Section 482 Cr. P.C. has been preferred by petitioner-Khem Chand whereby a prayer has sought to be made for transfer of investigation in respect of case registered by way of FIR No.42 dated 11th June, 2015, under Section 304-B read with Section 34 IPC at Women Police Station, Sonapat. The grounds which have been the mainstay of the case of petitioner are that one of his daughters Neelam was married in the family of the accused persons and on account of demand of dowry with an evil-eye on the money of the complainant-father present petitioner, the lady was harassed and humiliated and the last straw on the camel's back as per the

petitioner is that Neelam was beaten by the accused persons as they wanted to obtain her signatures in respect of her Fixed Deposit Bank Account as well as Life Insurance Policy and claimed that FIR under Section 302 IPC ought to have been registered instead of being under Section 304-B of the IPC.

Heard, Mr. Ashwani Gaur, Advocate for the petitioner.

It is the admitted stand of the petitioner's side that a criminal case arising out of this incident has been registered against the accused party and it is not disputed that the investigations are still underway. Though much reliance has been sought to be placed by the petitioner's counsel upon “***State of Punjab Vs. Central Bureau of Investigation and ors. AIR 2011 SC 2962***” and “***Vinay Tyagi Vs. Irshad Ali @ Deepak & others, 2013(2) R.C.R. (Cri) 197.***”

However, having regard to the fact that the complainant has a right under the law to ask for framing of a particular charge as per the evidence collected during the investigation in terms of Section 173 Cr. P.C. and even during the course of trial, if the complainant deems it proper can approach the Court for amendment of the charge in terms of Section 216 Cr.P.C. till the pronouncement of the judgment based on the evidence of prosecution. Even the grouse that is sought to be raised regarding involvement of some of the accused who have not been arrayed so, can be adequately met with by the provisions of Sections 193, 319 Cr.P.C. in the light of law laid down in “***Hardeep Singh Vs. State of***

Punjab, 2014 (3) SCC 92".

Seeking support from the case of "***D. Venkatasubramaniam & others Vs. M.K. Mohan Krishnamachari & another, AIR 2009(10) SCC 488***", it is only where either to secure the ends of justice or to give effect to any order under the Code or to prevent abuse of the process of any Court, the High Court can interfere under the provisions of Section 482 Cr.P.C.

This Court is of the strong opinion that it is the statutory obligation and duty of the Police to investigate into commission of cognizable offence and the Courts should be slow to interfere and fiddle with the investigations and, therefore, the principle is well laid that it is for the Investigating Agency to submit a report to the Magistrate after full and complete investigation and till then as long as none of these ingredients for attracting Section 482 Cr. P.C. are present the courts ought to be slow in interfering.

Apparently, finding no ground to interfere, the petition being hopelessly without merits, stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

AUGUST 12, 2015

Dpr