

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.33100 of 2015

Date of Decision:-28.09.2015

Rajeshwar.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Sangwan, Advocate for the Petitioner.

JASWANT SINGH, J (ORAL)

The petitioner has filed this petition to seek directions to the respondents for addition of Section 304-A IPC in case FIR No.86 dated 14.02.2015 for offences punishable under Sections 279, 337, 338 IPC and for carrying further investigation into the death of Chhaju Ram son of Shubh Ram in a vehicular accident and to file a report before the concerned Magistrate.

Counsel for the petitioner heard at length.

The prayer made in the petition is patently misconceived as the Courts have no power to issue a direction to the police for filing a final report/challan for a particular offence. This is so held by Hon'ble Supreme court in **Abhinandan Jha Vs. Dinesh Mishra** reported in **1967 Vol.3 SCR 668.**

Besides, as per the case of the petitioner itself the accident in

question took place on 13.02.2015 and on the basis of that FIR was registered on 14.02.2015. After investigation, the challan was presented in the Court on 08.03.2015 wherein the accused was challaned for the offences punishable under Sections 279, 337 & 338 IPC.

It was on 02.04.2015, the father of the petitioner is alleged to have died due to the injuries allegedly suffered in the accident. There is no post mortem report or any discharge summary of the hospital to suggest that the death had taken place as a result of the injuries suffered in the accident on 13.02.2015. As per the stand of the complainant/petitioner, the victim had been taking treatment at various hospitals i.e. Govt. Hospital, Dadri, Govt. Hospital, Bhiwani, Park Hospital, Gurgaon and Alchemist Hospital, Gurgaon. In the absence of any material, to suggest the death, as a result of accident, no such direction can be issued as prayed by the petitioner.

In view of the above, no case for interference under Section 482 Cr.PC and for issuance of directions as prayed for is made out and as such the present petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

September 28, 2015
Vinay