

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

CRM-M-39366-2015

Date of decision: 21.12.2015

Krishan Baldev Suri

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ashok Saini, Advocate
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks direction to the respondents to take legal action on the representation (Annexures P-5, P-6 & P-7) filed by the petitioner in FIR No.26 dated 21.03.2015 under Sections 324, 323, 451, 506, 148, 149 IPC, registered at Police Station Civil Lines Batala, District Gurdaspur, as per law.

Notice of motion was issued.

At the time of issuance of notice of motion, learned counsel for the petitioner submitted before this Court that despite the directions having been issued by this Court vide order dated 01.05.2015 in CRM-M-14093-2015, respondents had taken no action. This was the reason that notice of motion was issued. Learned counsel for the State has placed before this Court copy of speaking order dated 24.06.2015 passed by Senior Superintendent of Police, Batala, whereby the matter was looked into and

inquiry was got conducted. Agreeing with the findings of the inquiry report, Senior Superintendent of Police, Batala ordered that the representation moved by the petitioner may be filed as no further action was required.

Learned counsel for the petitioner submits that he has gone through the order dated 24.06.2015 passed by the Senior Superintendent of Police, Batala which was not brought to his notice by the petitioner before filing the present petition. However, learned counsel for the petitioner submits that the order dated 24.06.2015 passed by the Senior Superintendent of Police, Batala does not satisfy the petitioner because the matter has not been properly enquired into. He further submits that let the appropriate directions be issued to the respondent authorities to take the appropriate action in abovesaid FIR.

On the other hand, learned counsel for the State submits that since the orders dated 01.05.2015 passed by this Court in CRM-M-14093-2015 has been meticulously complied with, no further orders are called for either at the hands of the respondents or at the hands of this Court. She prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that if the petitioner is still not feeling satisfied with the orders dated 24.06.2015 passed by the Senior Superintendent of Police, Batala, he is not without remedy. So far as the prayer made by the petitioner in the present petition is concerned, the same cannot be granted at the hands of this Court, for the reason that this Court would be exceeding its jurisdiction, while ordering

conducting of an inquiry or investigation from a particular angle which suits the petitioner. It is the exclusive domain of the investigating agency. The law in this regard was recognized way back in the year 1945 by the Privy Council in the case of **Emperor Vs. Khwaja Nazir Ahmad, 1945 AIR (PC) 18**, which is being consistently followed by Courts of the country and there is no deviation therefrom.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties at a later point of time, present petition is disposed of with liberty to the petitioner to avail his other remedies, in accordance with law.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

21.12.2015
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