

CRM-M-43880-2014 (O&M)

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

**CRM-M-43880-2014 (O&M)
Decided on: January 12, 2014.**

Act Infraport Limited

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Gurinder Singh, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

Petitioner who is a custom house agent of respondent No.4 alleges that on account of pilferage, theft and shortage of the material by the accused persons from the IOCL Panipat Refinery to the port/dockyard, the FIR was registered.

Grievance of the petitioner is that half backed challan has been presented with inadequate material with an objective to help the accused to seek acquittal. Statement of ASI Naresh Kumar and his supplementary statement recorded during the course of investigation have been attached with the petition to contend that it is in the shape of an admission before the police by truck driver which has only been relied upon by the prosecution agency before presentation of challan.

I have heard the learned counsel for the petitioner

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who has argued that the complaints regarding shortage of material made by the foreign customers to IOCL have been made the basis of the complaint by the petitioner for launching of the FIR.

The petitioner appears to have not made any representation pointing out the defects in the investigation or the lacunae which have intentionally been left in order to enable the investigating agency to look into the matter and take up the matter for further investigation. Since this Court in the exercise of powers under Section 482 Cr.P.C. cannot interfere in the investigation or to guide the investigating agency as to what and how the material supplied to the investigating agency should be considered while investigating the matter under Chapter XII of the Criminal Procedure Code, this petition is disposed of with a direction that the petitioner will be at liberty to approach the Superintendent of Police, Panipat or any other police authority pointing out the defects in the investigation. In case any representation or complaint for further/fair investigation is not considered, it will be open to the petitioner to avail the legal remedy available to him in accordance with law.

January 12, 2015.
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(M.M.S. BEDI)
JUDGE