

214

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

**CRM-M No.44279 of 2014
Date of Decision: 08.07.2015**

HARI RAM JINDAL

.....Petitioner

Vs

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Pushpinder Kaushal, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, D.A.G., Punjab.

Mr. Ashwani Talwar, Advocate
for the complainant.

1. ***Whether Reporters of local papers may be allowed to see the judgment ?***
2. ***To be referred to the Reporters or not ?***
3. ***Whether the judgment should be reported in the Digest?***

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for issuance of direction to respondents to conduct further investigation in FIR No.21 dated 30.04.2010, under Sections 498-A/506/120-B IPC, P.S. Division No.3, Ludhiana City.

Learned counsel for the petitioner states that vide reference dated 21.11.2012, recommendation was made by Additional Deputy Commissioner of Police, Ludhiana for further investigation. Seeing the pathetic attitude of the Investigating Agency, petitioner ventured to file CRM-M No.5775 of 2014. This Court vide order dated

23.04.2014 disposed of the aforesaid petition by issuing direction to respondents No.2 and 3 to look into the grievance of petitioner in the light of representation dated 06.01.2015 and pass appropriate order in accordance with law. However it was observed that disposal of said petition shall not preclude petitioner from approaching the Illaqa Magistrate by way of appropriate application for further investigation.

On such representation, Commissioner of Police vide Annexure P-9 declined the prayer for further investigation on the ground that challan has already been presented and it was thought appropriate not to interfere at that stage. Even the application moved before the Illaqa Magistrate in pursuance to order dated 23.04.2013 passed by this Court, was dismissed by Judicial Magistrate Ist Class vide order dated 23.02.2015. Till date that order has not been assailed by petitioner in any Forum.

Learned counsel for the petitioner further states that there is no change in circumstance from the day on which recommendation was made by the Additional Deputy Commissioner of Police, Ludhiana and in view of that recommendation should have been considered by the Police for further investigation of the case.

Petitioner is father of co-accused Mohit Jindal, who even denies factum of marriage with the complainant.

On the other hand, learned State counsel duly assisted by Mr. Ashwani Talwar, Advocate states that challan in this case was presented on 16.09.2010. Marriage was solemnised between Mohit

Jindal and complainant-Sudesh on 19.11.2009. Thereafter FIR No.21 dated 30.04.2010 under Sections 498-A, 506 and 120-B IPC came to be recorded in Police Station Division No.3, Ludhiana City, at the instance of the complainant.

Petitioner filed an application for discharge before the trial Court. The said application was dismissed on 10.10.2011 and thereafter charges were framed against him and other co-accused on 21.10.2011. Petitioner unsuccessfully challenged the charge against him before the revisional Court. The revision petition was dismissed by revisional Court vide order dated 12.03.2013. The recommendation of Additional Deputy Commissioner of Police, Ludhiana came to be in existence prior to dismissal of revision petition by the revisional Court. The recommendations were made by Additional Deputy Commissioner of Police, Ludhiana on 17.12.2012.

In view of aforesaid facts, it is apparent that petitioner against whom charges were framed on 21.10.2011 remained unsuccessful before the revisional Court and under the garb of further investigation, petitioner seeks to annul the order dated 12.03.2013 as well as order dated 23.02.2015 passed by Judicial Magistrate Ist Class dismissing the prayer for further investigation under Section 173(8) Cr.P.C., without assailing the same in any manner till date.

In view of aforesaid facts no indulgence can be granted to petitioner. The petition is accordingly dismissed, leaving the

petitioner to avail any other remedy available to him in law. However, trial Court shall make every endeavour to dispose of the case as expeditiously as possible.

July 08, 2015
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(RAJ MOHAN SINGH)
JUDGE