

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15512 of 2015

Date of decision: August 18, 2015.

Smt. Suman

... **Petitioner**

v.

State of Haryana etc.

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE PARAMJEET SINGH**

Present: Shri Surinder Singh Siao, Advocate for the petitioner.

Paramjeet Singh, J. (Oral):

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuing directions to the official respondents to entrust the investigation of case FIR No.101 dated 27.5.2015, registered under Sections 323, 406, 494, 498-A, 506 IPC at Police Station Sector 14, Panchkula to the Crime Branch Panchkula or Chandigarh Police. It is further prayed in the petition that filing of the report under Section 173 Cr.P.C. may be stayed.

The brief facts of the case are that due to a matrimonial dispute, the aforesaid FIR has been lodged by the petitioner against respondents

No.4 to 6 in which the investigation has already been commenced by the police authorities of PS Sector 14, Panchkula. Aggrieved against that, the petitioner filed a Crl. Misc. petition bearing CRM-M-23505-2015 in this Court. The said petition was dismissed as withdrawn on 22.7.2015. The operative part of the order dated 22.7.2015 passed by a Coordinate Bench of this Court reads as under:-

“Learned Counsel for the petitioner wishes to withdraw the present petition reserving his right to rake up all the issues before the appropriate forum.

Dismissed as withdrawn with the liberty aforesaid.”

Thereafter, the petitioner approached the same very Bench by way of CRM No.25602 of 2015, seeking clarification, wherein the following order was passed:-

“Through the instant application, the petitioner has sought clarification of the orders dated 22.7.2015 passed by this Court on the petition under section 482 of Cr.P.C. earlier filed by the petitioner.

*The present matter is disposed off with the observation that since the jurisdiction of this Court under section 482 of Cr.P.C. being restricted in view of **Monica Kumar vs State of UP, (2008) 8 SCC 781**, the petitioner could resort to other provisions of law. Application thus stands disposed off.*

Copy of the order be given under the signatures of Bench Secretary.”

The investigation has been defined in the Code of Criminal Procedure. Once the investigation has commenced, thereafter challan or cancellation report is submitted. On that basis, competent courts pass order either for further investigation or accept or reject the cancellation report.

The present petition cannot be entertained. Even otherwise, in the garb of this petition, the petitioner impliedly wants the review/setting aside of the aforesaid order of the Coordinate Bench passed in the Crl. Misc. petition.

No merit.

Dismissed.

[Paramjeet Singh]
Judge

August 18, 2015.
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