

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

(122)

CRM-M-17763-2016

Decided on: May 23, 2016.

Jai Kumar

.... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Narinder Kumar Awasthi, Advocate, for the petitioner.

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

The petitioner, through instant petition, seeks a direction to transfer the investigation of eleven FIRs mentioned in para 16 of the petition to Central Bureau of Investigation along with all complaints and representations pending before the State Police against Crown Chit Fund Company and its associates.

Learned counsel for the petitioner submits that if all the complaints are clubbed together, it will be expedient, in the interest of justice, to consider the culpability of the accused involved in the same/similar offence.

Learned counsel for the petitioner has drawn my attention to representations Annexures P-4, P-5 and P-6 submitted by the petitioner.

The prayer made in the present petition does not appear to have ever been made to any State authority.

Learned counsel for the petitioner has contended that the petitioner is an investor and the act and conduct of the private respondents warrant that the matter should be referred to CBI. In support of his contention, counsel relies upon **Subrata Chatteraj Vs. Union of India and others, 2014 (3) Recent Criminal Reports 419.** He has further submitted that more than ten thousand investors like petitioner have been duped by respondents No. 7 to 11.

The Apex Court, in **State of West Bengal Vs. Committee for Protection of Democratic Rights 2010 (2) R.C.R. (Criminal) 141,** has laid down certain parameters for referring a matter for investigation to CBI holding that CBI could not be directed to investigate in a matter merely because the parties have leveled some serious allegations against the local police.

In **State of Punjab Vs. Davinder Pal Singh Bhullar, 2012 (1) Cr.C.C. 437 (S.C),** it was observed that under Section 482 Cr.P.C, the Court cannot direct a particular agency to investigate the matter or to investigate a case from a particular angle or by a procedure not prescribed in Cr.P.C and that such powers should be exercised very sparingly to prevent abuse of the process of Court.

The judgment cited by counsel for the petitioner refers to a chit fund scam where large number of companies operating from West Bengal, Tripura, Assam and Odhisha had collected deposits from public with a promise to return profits.

Taking into consideration the peculiar circumstances in that case the Apex Court had directed the Enforcement Directorate to expedite the investigation initiated by a team and had also directed the CBI to look into the matter. The authority exercised by the Apex Court, in said case, does not empower, this Court under Section 482 Cr.P.C to refer the matter to CBI or to consolidate the different investigations.

This petition is disposed of without prejudice to the right of the petitioner to avail alternative remedy available to him.

(M.M.S. BEDI)
JUDGE

May 23, 2016
harsha