

CRM-M-17827 of 2017

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In the High Court of Punjab and Haryana at Chandigarh

CRM-M-17827 of 2017

Date of Decision:18.5.2017

Surinder Kumar

---Petitioner

vs.

State of Punjab and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Jagjit Singh, Advocate
for the petitioner

Rekha Mittal, J.

The petitioner has sought intervention of this Court under Section 482 of the Code of Criminal Procedure (in short “Cr.P.C.”) for fair and impartial enquiry in respect of FIR No. 102 dated 28.10.2016 under Sections 380, 447, 354, 506 read with Section 34 of the Indian Penal Code (in short “IPC”) registered at Police Station, Bholath, District Kapurthala.

It is pertinent to mention at the outset that after the arguments were made, court asked about status of the proceedings, counsel would inform that on completion of investigation, challan has already been presented in the Court and the trial court is seized of the matter.

The first submission made by counsel for the petitioner is that

before registration of FIR against the petitioner, the police did not conduct any enquiry in compliance with judgment passed by Hon'ble the Supreme Court of India in *Lalita Kumari vs. Government of UP and others 2013(4) RCR (Criminal) 979*, therefore, an enquiry is required to be conducted in the matter. This contention raised by counsel is highly misconceived and does not get support from what has been held by Hon'ble the Supreme Court of India in *Lalita Kumari's case (supra)* wherein the Court has condemned holding of enquiry by the police before registration of FIR in regard to commission of a cognizable offence.

Counsel for the petitioner has made a vain attempt to make certain submissions raising certain factual disputes which are not amenable to adjudication in proceedings under Section 482 Cr.P.C.

In view of what has been discussed hereinabove, no ground for intervention in exercise of jurisdiction under Section 482 Cr.P.C. is made out.

Dismissed.

(Rekha Mittal)
Judge

18.5.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No