

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

**CRM No.M-22462 of 2017 (O&M)
Date of Decision: December 06, 2017**

Ashok Kumari and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.B.S.Bhalla, Advocate
for the petitioner.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Manpreet Kaur for quashing the impugned orders dated 20.05.2017 and 22.05.2017 passed by learned Addl. Sessions Judge, Amritsar.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

At the time of arguments, learned counsel for the petitioners only argued on point that the Court has no power to interfere in the investigation and to direct the Investigating Officer to investigate the matter in a specific direction. It is for the Investigating Officer to present the

cancellation report, untraced report or to challan the accused. He further

contended that it is the discretion of the Investigating Officer to declare some of the accused as innocent or all the accused as innocent but the Court cannot direct the Investigating Officer to present the challan against all the accused.

As regarding the submissions made by learned counsel for the petitioners, I find that these submissions are having merits. The Court has no power to interfere in the investigation or to direct the Investigating Officer to do investigation in a specific way. Asking the Investigating officer to present the challan against all accused in the Court amounts to giving of direction to the Investigating Officer to investigate the case in a specific way, which is not permissible under the law. At the most, the Court can direct the Investigating Officer to complete the investigation and produce final report, whatever it may be.

Keeping in view the above facts, I find that the directions given in the impugned orders dated 20.05.2017 and 22.05.2017 by learned Addl. Sessions Judge, Amritsar, to present the challan against all the accused to SI Randhir Singh, are not as per law and the same are set aside to this extent. However, learned Court of Session is at liberty to ask the Investigating Officer to present final report after completion of investigation as per the investigation conducted by the Investigating Officer.

Therefore, finding merit in the present petition, the same stands allowed accordingly.

December 06, 2017

Vgulati

Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)

JUDGE

Yes

No