

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

**CRM No.M-25184 of 2015 (O&M)
Date of Decision: December 08, 2017**

Daljeet Kaur Khangura

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Chahal, 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 State of Punjab and other respondents for transfer of investigation of FIR No.16 dated 15.02.2015 under Section 336 and Sections 25 and 27 of the Arms Act registered at Police Station Doraha, Police District Khanna, District Ludhiana, to some senior IPS Officer or Crime Branch.

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

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

From the record, I find that no ground has been made out for transfer of investigation of the FIR in question to some other agency. In the

reply, it is stated that DSP (Investigation), Khanna, after proper enquiry and investigation, came to the conclusion that there is no strong evidence, proof and witness against Netar Singh, Mohan Singh, Sonu, Surinder Singh and Veervarinder Singh. On 19.05.2015, the DSP (Investigation), Khanna, requested to the SSP, Khanna to accept the report and to send the same to the SHO, Doraha, after declaring them not guilty. The said report was accepted by SSP, Khanna on 10.08.2015 and the case is pending with SHO, Doraha for filing cancellation report.

Keeping in view the above facts and circumstances of the present case, I find that no ground is made out for transferring the investigation of the FIR in question. If the petitioner is aggrieved that proper and fair investigation has not been conducted, she has the remedy to approach Illaqa Magistrate, who has ample powers to supervise and even monitor the investigation. The Hon'ble Supreme Court in **Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392** has held as under:-

27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C. and not by filing a writ petition or a petition under Section 482 Cr.P.C.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere.”

The law laid down in above judgment has also been relied upon by the Hon'ble Supreme Court in *T.C. Thangaraj v. V. Engammal and others, 2011 (3) R.C.R. (Cr.) 751.*

With the above observations, the present petition stands disposed of accordingly.

December 08, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No