

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

CRM No.M-48396 of 2017 (O&M)
Date of Decision: December 18, 2017

Kunal Patel

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Arora, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Haryana and other respondents for issuance of directions to respondents No.1 to 3 to get the investigation of the case FIR No.446 dated 18.08.2017 under Sections 323, 506 and 34 IPC registered at Police Station Pehowa, District Kurukshetra from Senior IPS Officer or from some independent investigating agency and for fair and impartial investigation of the case and for further directing respondents No.1 to 5 to initiate 182 IPC proceedings against respondent No.7 for preparing false medical report with regard to dental injury and getting a false cross-case under Section 325 IPC.

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

The perusal of the record shows that the FIR is only under

Section 323, 506 and 34 IPC. The offences are not so serious that these

should be investigated by a Senior Officer of the rank of IPS or from some independent agency. This case, under Section 323, 506 and 34 IPC, is mainly based on the statement of the injured, eye witness and medical evidence. The Investigating Officer is mainly to conduct routine investigation. Therefore, no ground is made out for transferring the investigation.

Furthermore, even if it is taken that petitioner is aggrieved regarding fair and proper investigation of the case, he can avail alternative remedies by approaching to learned Magistrate as per the judgment passed by the Hon'ble Supreme Court in *Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392*, in which it is held that Magistrate has ample powers to supervisor and even to monitor the investigation.

As regarding the second relief, for direction to respondent No.1 to 5 to initiate proceedings under Section 182 IPC, no such direction can be given. The investigation is still going on and nowhere there is any finding that averment or medical evidence is false. At this stage, no such direction can be given.

Therefore, finding no merit in the present petition, the same is dismissed.

December 18, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No