

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

(211)

**CWP-17521-2014 (O&M)
Decided on: May 18, 2017.**

Rup Lal and others

.... Petitioners

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. R.S. Thakur, Advocate, for the petitioners.

Ms. Anu Pal, AAG, Punjab.

Ms. Archana Soni, Advocate, for respondent No.4.

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

Petitioners are residents of village Ahluwal, Tehsil and District Gurdaspur. They claim themselves to be Members of Gram Panchayat whereas petitioner No.4 is a former Sarpanch of the village. They have filed the present petition for quashing the investigation report dated 15.07.2014 conducted by SP (D), Gurdaspur respondent No.3 vide Annexure P-2 holding that respondent No.4 was innocent in criminal case FIR No.30 dated 23.05.2014 under Section 21 of the NDPS Act by the police of Police Station Behrampur.

Petitioners claim that the investigation, culminating in determination of respondent No.4 as innocent, is not proper.

In the reply filed by the State, besides challenging the locus standi of the petitioners, it has been mentioned that neither the FIR had been cancelled nor the investigation had been closed but after registration of the above said case, respondent No.4 was found innocent as it was found that

the intoxicant capsules and tablets were tied by some one else under the vehicle of respondent No.4. The untraced report was submitted after obtaining the advice from the DA (Legal), Gurdaspur. The Special Court, Gurdaspur had though permitted the release of respondent No.4 observing that he had not been discharged in any manner and investigation was not treated to be as closed as it was yet to be identified as who was the culprit.

On the instructions of ASI Satnam Singh, it has been informed by learned State counsel that report regarding innocence of respondent No.4 has been prepared.

Learned counsel for the petitioners has vehemently contended that investigation has not been conducted in a fair manner.

After hearing learned counsel for the petitioners, learned State counsel as well as learned counsel for respondent No.4, I am of the considered opinion that for the purpose of fair investigation, the involvement of the petitioners is not required in the present case. In case, they had any knowledge about the commission of crime, they could have approached the investigating officer with their individual statement which could be recorded by the investigating officer in the exercise of power under Section 163 (4) Cr.P.C.

It appears that on account of personal rivalry, the petitioners being members of Panchayat and ex-Sarpanch of the village, they have got personal scores to settle with respondent No.4 on account of the fact that respondent No.4 had been elected as Sarpanch of the village. On account of the party-faction and election rivalry arising out of the election of Sarpanch, the petitioners do not have any locus standi to file the present writ petition to interfere in the investigation. Even, this Court does not have

jurisdiction to direct the investigating agency as to in what manner the investigation is to be conducted. The investigation can be interfered only if there are glaring irregularities in contravention to the statutory procedures prescribed under Chapter XII of Cr.P.C or the Punjab Police Rules.

No legally enforceable right vests in the petitioners to file the present petition requiring this Court to interfere in the investigation especially when the investigation after having been concluded, respondent No.4 has been found innocent.

The petition is dismissed.

(M.M.S. BEDI)
JUDGE

May 18, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No