

CRM-M-25356 of 2015 (O&M)

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

CRM-M-25356 of 2015 (O&M)
Date of Decision: 15.10.2018

Prof. Dr. A.K. Banerjee and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. R.S. Bains, Advocate, for the petitioners.
Mr. Harpreet Multani, AAG, Punjab.
Ms. Manju Goyal, Advocate,
for Mr. Sumeet Goel, Advocate, for respondent No.5.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for issuance of direction to the respondents to transfer the investigation of FIR No.35 dated 16.04.2015 registered under Section 304 IPC at Police Station Division No.8, Kailash Chowk, Ludhiana, to any independent agency like CBI.

Initially, cancellation report was filed in the instant case by the police after thorough investigation. However, on protest by the petitioners, learned Magistrate ordered for re-investigation. According to learned State counsel, for the second time also cancellation report has been filed on 08.10.2018. Notice of the same has also been issued to the petitioners. Therefore, proper remedy for the petitioners is to file protest petition.

However, since the petitioners are not satisfied with the

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re-investigation, therefore, in view of the undertaking of the petitioners that they will not make any prayer for further investigation of the case from some other agency, with their consent the matter is referred to Crime Branch, Punjab, headed by ADGP (Crime), for re-investigation in the matter for the third time. Investigation be handed over by the present investigating agency to the Crime Branch, Punjab, within a week along with complete case file.

It is made clear that in view of their undertaking given above, no further request of the petitioners for re-investigation in this case shall be entertained.

Disposed of.

October 15, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No