IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No.M- 48387 of 2017(O&M)

Date of Decision: March 08 , 2018.

Ram Kumar ..... PETITIONER (s)

Versus

State of Haryana and others ..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Satbir Gill, Advocate
for the petitioner.

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LISA GILL, J.

Prayer in this petition is for issuance of appropriate directions to hand over investigation in FIR No.253 dated 19.12.2015, under Sections 302/ 201/323/34 IPC, Police Station Nathu Sarai Chopta, District Sirsa to CBI/State Crime Branch for conducting a fair and impartial investigation in the case.

It is submitted that the petitioner is the paternal grandfather (Dada) of the victim. The petitioner's son passed away. His daughter-in-law and grand-daughter were living in the parental home of the petitioner's daughter-in-law. The petitioner's grand-daughter died in the intervening night of 17th and 18th November, 2010. DDR No.22 dated 18.11.2010 (Annexure P1) was registered on the statement of the maternal uncle (Mama) of the deceased to the effect that the victim was found lying dead on her bed. It was stated that she had gone to bed

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after taking meals as per routine after studies. A doubt was expressed that she may have died due to heart attack.

The present petitioner filed CRM No.M-28029 of 2012 for a decision on his representations to the effect that his grand-daughter was, in fact, done to death by her mother, maternal grand-parents, uncles and aunt. The said petition was disposed of on 11.09.2012 (Annexure P4). It is pointed out that the Inspector General of Police, Hisar Range, Hisar recommended the registration of FIR on 17.12.2015 (Annexure P6). FIR No.253 dated 19.12.2015 under Sections 302/ 201/323/34 IPC was thus registered (Annexure P7). However, after investigation the police authorities filed a cancellation report (Annexure P8) while concluding that the deceased had hanged herself. Learned counsel for the petitioner submits that even as per the DDR (Annexure P1), there is no mention about the victim hanging herself whereas, death was on account of asphyxia due to hanging. Therefore, this matter should be investigated by some other agency.

I have heard learned counsel for the petitioner at length and have gone through the file.

It is not in dispute that cancellation report has been filed in this case before the court of competent jurisdiction which, nee dless to say, shall look into the matter. The petitioner has a right to agitate the matter before the said court. No interference is called for by this Court in exercise of jurisdiction under Section 482 Cr.P.C., at this stage.

Petition is accordingly dismissed.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely

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confined for the purpose of decision of the present petition.

Liberty is afforded to the petitioner to take up all the pleas available to him before the appropriate forum.

(**LISA GILL**)
JUDGE

March 08 , 2018.
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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