

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

129

CRM-M-5616-2019 (O & M)
Date of Decision:08.07.2019

Navinder Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parshant Sethi, Advocate
for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Navinder Kumar has filed this petition to challenge the order dated 03.12.2018 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Hansi in case FIR No.99 dated 10.03.2018 registered at Police Station Hansi.

Learned counsel for the petitioner contends that upon a complaint given by the petitioner, the above mentioned FIR was registered against his wife and others. The pending litigation between husband and wife arose out of the matrimonial discord. The occurrence narrated in the FIR pertains to the incident dated 26.02.2018, and after investigation the final report was submitted against complainant's wife Tamana and another accused Sunil whereas the other accused persons were not found involved in the alleged crime.

After submission of the final report, the petitioner/complainant had moved an application before the Magistrate for issuance of directions for conducting further investigation. The trial Court after hearing the parties

proceeded to dismiss the said application on the ground that after submission of the report, the process has been issued and accused has entered appearance, besides, it was observed that the course of further investigation is to be adopted by the Investigating Officer in case it is so required. The Court has proceeded to dismiss the application on merits as well as on the ground that the same is not maintainable.

After hearing learned counsel for the petitioner, this Court finds no reason to interfere with the order passed by the learned Magistrate. It is not disputed by the learned counsel for the petitioner that he would adopt the remedy available in law in respect of accused, who were found innocent. However, learned counsel has confined his grievance only in respect of the offences which were not included in the final report submitted by the police. It is also not disputed by him that such an issue can be raised by the petitioner at the time of framing of the charges. A perusal of the order further reveals that the Court had itself left it open for the petitioner to raise this issue at the time of framing of charges.

Resultantly, this Court does not find any reason to interfere.

Petition stands dismissed.

08.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No