

CRM-M-24427-2016 (O&amp;M)

Date of Decision: 05.09.2019

Sandeep Kumar

...Petitioner

**Versus**

State of Punjab and others

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:** Mr. Sanjeev Gupta, Advocate for the petitioner.  
Mr. SPS Tinna, Addl. Advocate General, Punjab.  
Mr. Akash Singla, Advocate for respondent No.4.  
Mr. V. Ramswaroop, Advocate for applicant-respondent No.5.

**ANIL KSHETARPAL, J.****CRM-21496-2017**

For the reasons stated in the application, United India Insurance Company is impleaded as party respondent No.5. Amended memo of parties is also permitted to be taken on record.

CRM stands disposed of.

**Main case**

Present petition has been filed under Section 482 of the Code of Criminal Procedure, invoking inherent jurisdiction of this Court, inter alia, praying for quashing of FIR No.250 dated 24.11.2014 registered under Sections 279/304-A IPC at Police Station Kotwali Patiala and subsequent proceedings arising therefrom.

The nature of order of this Court proposes to pass it would not be appropriate to go into the merits of case set up by the prosecution at this stage lest it may prejudice the case of any of the party. It is the case of the petitioner that the investigating agency, after carrying out 10 different enquiries from different investigating officers, submitted an untraced report

in the Court on 20.04.2015. However, the Court vide order dated 22.09.2015 ordered further investigation. It is not disputed that after the receipt of order from the court, final report, which has been produced in the Court, records as under:-

*“Upon which SSP Sahab Patiala summoned the Investigating Officer Balkar Singh ASI, SI Satnam Singh and complainant of the case Suraj Bhan and opposite party Sandeep Kumar in his office, where SSP Sahab, Patiala after inquiry ordered to submit the challan and on the basis of which after completing the investigation of the case, in the present case the challan under section 173 Cr.P.C. has been produced and is produced in the court.*

Reply by way of affidavit has been filed by Deputy Superintendent of Police (City-1) Patiala, wherein in para 4 it has been stated as under:-

*“That in report to Para No.4 of the petition, it is submitted that Ashok Kumar s/o Raj Kumar resident of SST Nagar Patiala is the eye witnesses in this case, who filed their respective affidavit dated 5.11.2015, so the petitioner was nominated as an accused in this case. FIR was correctly record that the accident has been caused by Car No.CH-1AA-8091 by rash and negligent driving by its unknown driver. Earlier reports were given by the officers, as there was no evidence on record against the petitioner.”*

It is the case of the petitioner that without carrying out any further investigation merely on the direction of the Senior Superintendent of Police of the District, challan has been filed. It has further been contended that the affidavit, which has been referred to in para 4 extracted above, is not part of challan.

Learned counsel for the State does not dispute that the affidavit, as referred to above, is not part of challan.

Learned counsel for the Insurance company supports the case of the petitioner.

Keeping in view the facts and circumstances of the present case and contention of learned counsel for the petitioner, it is considered appropriate to order further investigation to be carried out by a young IPS Officer namely Ms.Ravjot Kaur Grewal, Superintendent of Police (Headquarters) and conclude the same within a period of two months. Needless to observe that further investigation shall be carried out without being influenced by earlier conclusions drawn by the various enquiry officers.

Disposed of.

**05.09.2019**  
**mks**

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No