

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

112

CRM-M-21823-2019 (O & M)
Date of Decision:14.05.2019

Shalini

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Petitioner in person.

MANOJ BAJAJ, J.

Petitioner-Shalini has filed this petition in person under Section 482 Cr.P.C. for issuance of directions to respondent for registration of FIR regarding alleged murder of Anmol Singh (brother of the petitioner) in the occurrence dated 11.08.2015.

The petitioner has appeared in person to assist this Court in the present case. The petitioner has submitted that her brother had died on 11.08.2015 at the house of his friend Sameer. According to her, the FIR No.0333 under Section 306 IPC and Section 30 of Arms Act was registered on 13.05.2016 (Annexure P-1). It is contended by her that Competent Authority had not registered the FIR for the offence punishable under Section 302 IPC. She has referred to the various representations particularly the complaint made by her (Annexure P-2) in this regard.

During the course of hearing, it was not disputed by the

petitioner that the FIR was registered on the statement of Shingara Singh, father of the petitioner. It is also not disputed that she is not complainant, but only a witness in the said FIR. According to her, the inquest proceedings were also carried and on the statement of her father, the FIR was registered and trial in that regard is in progress. She has further invited the attention of the Court to her application addressed to SP, Police Line, Ambala (Annexure P-2), which is entered through Diary No.2202 PW dated 12.10.2015 at Police Station, Baldev Nagar. On the strength of this, it is contended that it was incumbent for the police authority to register the case for the offence punishable under Section 302 IPC. The complaint reads as under:-

“It is requested that I was residing in Baldev Nagar, Ambala City. My brother Anmol, who was residing along with his wife in Sirsa City, being harassed at the hands of his wife has committed suicide on 11 August i.e. 2 months before. We are suspicious that Anmol's wife lover has got Anmol shot. He was also friend of Anmol. It is prayed to you that we may be permitted to get call detail traced of below mentioned phone number. It will be your great kindness.”

A bare perusal of the above would indicate that even petitioner-Shalini had contended in her complaint that Anmol Singh had committed suicide on 11.08.2015. However, a suspicion was expressed that lover of Anmol's wife has got him shot, who was friend of Anmol as well.

After hearing the petitioner and considering the background of this case, this Court is of the considered opinion that in respect of the alleged occurrence, trial is in progress, therefore, no ground is made out for interference. Even if it is assumed that a particular offence was not contained in the FIR, it would not be a cause of action for registration of a

separate FIR as the issue of addition of offence either by the police or by the Court can be addressed subsequent to the registration of FIR.

In view of the above, no ground is made out for issuance of directions as prayed for.

The petition is dismissed.

14.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No