

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39480-2020 (O&M)

Date of Decision:-27.11.2020

Konica

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arun Takhi, Advocate for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking issuance of a direction to respondent No.6-Deputy Superintendent of Police (D), Nawanshahar, District SBS Nagar to immediately stop conducting the inquiry which is stated to be second inquiry as the same is stated to be in violation of circular dated 1.4.2008 (Annexure P-2).
2. I have heard the learned counsel for the petitioner.
3. Mr. Avtar Singh Sandhu, Addl. A.G., Punjab, upon whom an advance copy of petition had already been served, has also assisted this Court.
4. In the present case, a perusal of the FIR (Annexure P-1) would indicate that prior to registration of the FIR an inquiry had been conducted into the matter by Deputy Superintendent of Police, Balachaur. After the FIR came to be registered, the matter was entrusted to LSI (Lady Sub Inspector) Gurkirat Kaur for investigation.

5. The learned counsel for the petitioner has submitted that although the FIR in question was registered at Police Station, City Balachaur but somehow the matter was again sent for inquiry to Deputy Superintendent of Police, SBS Nagar, which would rather be against the direction issued vide order dated 1.4.2008 (Annexure P-2). The learned counsel, in order to hammer forth his aforesaid submission, has also referred to order dated 12.1.2009 passed by this Court in CRM-M-18244 of 2008 (Annexure P-3).
6. Having heard the learned counsel for the petitioner, this Court finds that while the DSP had initially conducted an inquiry before the FIR was registered, the matter was entrusted to Sub Inspector for the purpose of investigation after the FIR came to be registered. Although there is no document to show that a fresh inquiry has been marked to DSP, SBS Nagar, but even if the said contention is accepted, still this Court finds that the matter, in any case, after registration of FIR is required to be investigated and in case the matter has been entrusted to DSP for the purpose of some inquiry, the same cannot be said to be an irregularity or illegality, since a DSP, in any case, is an officer senior to Sub Inspector to whom the matter was initially entrusted. Further, it cannot be said to be a case of multiple inquiries after registration of the FIR as it is only for the first time that such inquiry has been marked after registration of the FIR which infact would be part of investigation. No ground for issuance of any direction is made out. The petition is sans merit and is hereby dismissed.

27.11.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No