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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1118-2021

Date of Decision: 11.01.2021

VED PARKASH

.. Petitioner

Vs.

STATE OF HARYANA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jamshed Ahmed, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. seeking issuance of direction to the official respondents No.1 to 3 to transfer the investigation of the case FIR No.245 dated 13.10.2020 registered under Sections 279 and 304-A IPC, at Police Station Nagina, District Nuh to some other independent agency for conducting fair and impartial investigation.

During the course of hearing, it is not disputed by the learned counsel for the petitioner that the above FIR was lodged by husband of the victim, namely, Ajay son of Gullo (respondent No.5). Learned counsel for the petitioner has argued that in fact, the FIR has not been registered under appropriate penal provisions, as the death of the victim was homicidal. According to him, the respondent No.5 (son-in-law of the petitioner) deserves to be punished for the alleged commission of offence of murder punishable under Section 302 IPC.

After hearing the learned counsel, this court finds that the petitioner (father of the victim) never gave any complaint to the police

regarding the alleged occurrence, whereas the FIR was lodged by respondent No.5. Since the petitioner is neither a witness of the alleged occurrence nor complainant in the above FIR, therefore, the petition for transfer of investigation on his behalf is not maintainable.

Petition is dismissed.

However, it shall be open for the petitioner to avail the appropriate remedy in accordance with law.

11.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No