

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

CRM-M-1950-2021

Date of Decision :- 17.3.2021

Geeta Mahajan

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr.J.S. Thakur, Advocate
for the petitioner.

H.S.MADAAN, J. (ORAL)

Case file taken up through video conferencing.

On a complaint submitted by petitioner/complainant Geeta Mahajan, formal FIR No.90 dated 24.7.2019 for the offences under Sections 452, 435, 427, 506 and 34 IPC has been registered with Police Station Basti Bawa Khel, District Jalandhar Commissionerate against Ridham Sharma @ Rishu - accused.

The grouse of the petitioner is that despite the allegations disclosing offence under Section 307 IPC, the police has not booked the accused for the said offence. The petitioner had moved representations to the police authorities but without evoking any response.

As such, the petitioner has filed the instant petition under Section 482 Cr.P.C. before this Court craving for issuance of directions to official respondents No.2 and 3 to decide her representations, in addition to contending that any order or direction if deemed fit under the circumstances be passed.

Heard.

In terms of Section 173(8) of the Code of Criminal

Procedure, a Magistrate is empowered to order further investigation in the case even after filing of challan.

Therefore, the petitioner may move appropriate application before learned Area Magistrate at Jalandhar in that regard. Even otherwise, the Court is not bound to try the accused for the offences for which the police has booked and forwarded the accused and if the Court finds that from the facts and circumstances and the allegations, some other offence may be graver in nature, is disclosed then the Court certainly proceed against the accused for the said offence.

The present petition is disposed of relegating the petitioner to the remedy aforementioned.

17.3.2021

Brij

Whether reasoned/speaking :

Whether reportable :

Yes/No

Yes/No

**(H.S. MADAAN)
JUDGE**