

108

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

CRM-M-24485-2021

Date of Decision: 07.07.2021

Chand Kumar

.. Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lalit Singla, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondent No.1 for getting conducted denovo investigation in case FIR No.169 dated 17.10.2020 (Annexure P-1) under Sections 406/420/506 IPC (offence under Section 201 IPC added later on) and in case FIR No.172 dated 24.10.2020 (Annexure P-2) under Section 419/420/465/467/468/471/120-B IPC (offences under Sections 201/212/216 IPC added later on), both registered at Police Station Chamkaur Sahib, District Rupnagar from an independent agency. Further prayer has been made for quashing the proceedings relating to the investigation of the above FIRs, as the same were conducted in an unfair manner in connivance with respondents No.5 to 8 and the cases need to be investigated afresh.

At the outset, learned counsel for the petitioner prays for withdrawal of the petition, as according to him, it suffers from anomalies and seeks liberty to file a fresh petition on the same cause of action.

To a pointed query, learned counsel has submitted that the

petitioner has been implicated in four FIRs and the subject property is

common in all these FIRs. According to him, FIR No.6 dated 13.01.2021, under Sections 420, 467, 468 and 471 IPC and FIR No.19 dated 05.03.2021, under Sections 420, 467, 468 and 471 IPC (Annexures P-8 and P-9) respectively, could not have been registered because of registration of FIR No.169 and 172 (Annexures P-1 and P-2), therefore, he wishes to file separate petitions qua these FIRs.

Considering the nature of the prayer made in the petition, the prayer for withdrawal is rejected, as no prayer in respect of FIRs (Annexures P-8 and P-9) has been made.

During the course of hearing, it is not disputed by the learned counsel that the investigation in all the four FIRs is complete as the respective final report under Section 173(2) Cr.P.C stands filed. Though the final reports have been placed on record by the petitioner, but neither the FIR nor the final report have been challenged and the prayer has been made to order fresh investigation in FIR Nos.169 and 172 (Annexures P-1 and P-2). Concededly, in case FIR No.169 dated 17.10.2020 (Annexure P-1), the charges were framed by the trial Court on 22.03.2021, whereas in the other cases, the final reports are pending before the trial Court for consideration on charge.

The argument of the learned counsel that the subsequent two FIR bearing Nos.6 dated 13.01.2021 (Annexure P-8) and 19 dated 05.03.2021 (Annexure P-9) could not have been registered, cannot be entertained by this Court at this stage, particularly when the complainants are different. Even if it is assumed that the land in question involved in all these cases is same, but the act and omission attributed to the petitioner by complainant(s) is materially different. Admittedly, the petitioner is

presently in custody in case FIR No.172 dated 24.10.2020, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, 1860 at Police Station Ropar and his petition for regular bail is pending before this Court.

Resultantly, considering the above background, this Court is of the opinion that at this stage, the prayer for denovo investigation in the above FIRs cannot be entertained, as the petitioner can very well raise the issues relating to investigation before trial Court, as and when the respective final report under Section 173 (2) Cr.P.C. is considered by the trial Court.

Resultantly, no ground is made out for exercising inherent powers under Section 482 Cr.P.C.

Dismissed.

07.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No