

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

CRR-19069-2021

Date of Decision: 27.9.2021

Navdeep Kaur

..... Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Harchand Singh Batth, Advocate, for the petitioner.

Mr. M.S.Nagra, Assistant Advocate General, Punjab.

Mr. G.B.S. Dhillon, Advocate, for respondent No.6.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed praying for quashing of impugned order dated 7.4.2021/15.4.2021 (Annexure P-3) passed by respondent No.2, whereby the investigation of FIR No.13 dated 9.3.2021 under Sections 406, 498-A, 417, 120-B IPC registered at Police Station Kacha Pakka, District Tarn Taran, has been ordered to be transferred to Police District Batala, District Gurdaspur.

As per factual matrix of the case, the petitioner got registered the FIR in question on the basis of the allegations that she is Permanent Resident of Canada and her marriage was solemnized on 16.4.2017, which was fixed in view of the advertisement dated 9.4.2017 published in the newspaper. After marriage harassment and cruelty was caused to the complainant and thus, a complaint was lodged by the petitioner and enquiry in the complaint by the DSP was conducted and finding it a *prima facie*

case, the FIR was registered. The SSP, Tarn Taran constituted a committee for carrying out the investigation under the supervision of DSP. However, later on the wife of respondent No.6 filed a representation to respondent No.2 i.e. DGP, Punjab. He after appreciation of the complaint, decided to transfer the investigation of the FIR and hence, transferred it from District Police Station Tarn Taran and entrusted the same to District Police Batala for conducting the investigation. The petitioner had approached this Court by impugning this very order passed by respondent No.2- DGP, Punjab.

Notice was issued to the State and reply has been filed.

Learned counsel for the petitioner has contended that after marriage of the petitioner, she was subjected to harassment and cruelty and having no other alternative, she filed a complaint, which was enquired into and finding it a *prime facie case*, the FIR was registered. He has contended that respondent No.6 is the most influential person and it was on his mediation, the present marriage took place. On representation filed by the wife of respondent No.6 to respondent No.2, the impugned order has been passed. He submits that the impugned order is totally in violation of the circular dated 1.4.2008.

Learned counsel for respondent No.6 has submitted that there is no illegality in the order passed by the DGP transferring the investigation from District Tarn Taran to District Batala, as the DGP Punjab is competent to transfer the investigation as per the circular dated 1.4.2008. He would submit that the allegations pertaining to influence exercised by respondent No.6 are totally without any rhymes and reasons and there is nothing on the record to substantiate the allegations made.

Learned State counsel has defended the action of the State and

has placed on record the reply by way of an affidavit of Rajbir Singh, PPS, Deputy Superintendent of Police, Sub Division Valtoha, dated 30.7.2021. He submits that after registration of the FIR, SIT was constituted by respondent No.3 under the supervision of Shri Lakhwinder Singh, PPS, DSP (Crime Against Women and Children) Tarn Taran, but during the course of the investigation wife of respondent No.6 has moved a representation before respondent No.2 to transfer the investigation of the FIR. Hence, the same was entrusted to District Batala. He submits that as per the directions of respondent No.2, complete enquiry report has been sent to SSP for further action. He would submit that the enquiry report has been received on 4.7.2021 vide diary No.5 AP-108 at Police Station Kacha Pacca, District Tarn Taran. From the enquiry report, it is apparent that enquiry officer has recommended to cancel the FIR and all proceedings out the same.

I have heard learned counsel for the parties and perused the documents on file.

The main thrust of arguments raised by learned counsel for petitioner is that respondent No.6 is an influential person and hence, the investigation has been transferred. However, perusal of the circular dated 1.4.2008 would show that in case the enquiry is to be conducted from the higher officers of outside the district/range, then the case be sent for further enquiry after approval of DGP or the Punjab Government. In the present case, the transfer of the investigation has been ordered by respondent No.2 only. There is no material on record for supporting the arguments of learned counsel for the petitioner that the impugned order is passed at the behest of respondent No.6. Status report filed by the State would show that the enquiry report is received, however, as the further investigation had been

stayed by this Court vide its order dated 1.7.2021, hence, the same could not progress further. In the light of overall facts and circumstances and material on record, this Court is of the opinion that in view of the circular dated 1.4.2008 respondent No.2 is competent to transfer the investigation outside the District. Hence, the impugned order dated 7.4.2021/15.4.2021 is not in violation of the provisions of the circular dated 1.4.2008.

In view of the above mentioned circumstances, the Investigating Agency concerned is directed to conclude the investigation within a period of three months from the date of the passing of this order.

Disposed of in above mentioned terms.

(RAJESH BHARDWAJ)
JUDGE

27.9.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No