

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(131)

CRM-M-23254-2021(O&M)

Date of Decision: 05.07.2021

Priyanka

--Petitioner

Versus

State of Haryana & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Sandeep Lather, Advocate for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

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.

Petitioner has approached this Court by way of present petition filed under Section 482 Cr.P.C praying for the quashing of judgement dated 9.2.2021 passed by learned Additional Sessions Judge, Rewari and the impugned order dated 25.9.2020 passed by learned J.M.I.C., Rewari.

It has been contended that the petitioner, who is the complainant in FIR No.202 of 2020 had filed the application under Section 173(8) read with Section 2(h) of Cr.P.C for further investigation for the recovery of *Stridhan* in the FIR lodged. Counsel contends that the J.M.I.C, Rewari illegally rejected the same without application of judicial mind. It has been further contended that aggrieved by the same he had filed a revision under Section 397 Cr.P.C before the court of learned Additional Sessions Judge, Rewari, who again failed to appreciate the contentions and thus illegally dismissed the revision filed. Aggrieved by both the orders,

petitioner has filed the present petition. It has been contended that the *Stridhan* in the case is yet to be recovered and therefore the application filed under Section 173(8) Cr.P.C was maintainable on his behalf for the recovery of *Stridhan* and thus both the courts below have drawn a wrong conclusion.

I have heard counsel for the petitioner at length and perused the record.

It is apparent that the FIR in question has been lodged by the petitioner which was duly investigated by the investigating agency and the charge sheet was presented in the court. It has been observed in the judgement passed by learned Additional Sessions Judge, Rewari, wherein the contentions of respondent no.2 Sujan Singh have been mentioned that the marriage in question was a love marriage and there was no question of the dowry articles/*Stridhan*. Even otherwise, the application under Section 173(8) Cr.P.C has been filed on behalf of the complainant and not by the State.

There is no gainsaying that the investigation is solely the domain of the investigating agency, who are competent to take the decision in what manner the investigation should be conducted and the interference on behalf of the court is only in the limited circumstances when the same appears to be arbitrary or malafide. It was the issue to be raised by the investigating agency whether the further investigation was required or not. But they have chosen to file the charge sheet and the same stands filed as apparent from the record. The charge sheet has already been presented and thus, both the courts below have rightly declined to entertain the application filed.

Accordingly, this court does not find it appropriate to interfere with the impugned orders passed by the courts below.

Petition being devoid of any merit is, accordingly, dismissed.

(RAJESH BHARDWAJ)
JUDGE

05.07.2021

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No