

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

CRM-M-26796-2021

Date of Decision: 15.07.2021

AVTAR SINGH

.....*Petitioner*

V/s.

UNION TERRITORY AND OTHERS

.....*Respondents*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Deepak Kumar, Advocate,
for the petitioner.

MANJARI NEHRU KAUL, J. (Oral)

This petition is filed under Section 482 of the Cr.P.C. for issuance of appropriate directions to respondents No.2 and 3 for getting a free and a fair investigation conducted in DDR No. 67 dated 21.02.2021 (Annexure P-1) and complaint dated 11.05.2021 pending at Police Station, Maloya, U.T., Chandigarh (Annexure P-5) against respondent No.4 to 16.

Upon receipt of a complaint disclosing the commission of a cognizable offence, neither the accused nor the complainant have a say as to which agency or officer should investigate the alleged crime. The High Court should desist from exercising its inherent jurisdiction to order change of the investigating officer while investigation is underway except of course in appropriate cases where the investigation is not proceeding in a bonafide manner. Since, the petitioner has failed to satisfy about any such bonafide apprehension or circumstance for issuance of directions as sought for, this Court would be unwilling to exercise its inherent jurisdiction under Section 482 Cr.P.C. Moreover, in case the petitioner is aggrieved on account of the

inaction on the part of the investigation agency, instead of knocking on the doors of this Court, he should avail the alternate remedies available to him under the Cr.P.C.

July 19, 2021

Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No