

S.No.207

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

CRM-M-27512 of 2021 (O&M)

Date of Decision:03.12.2021

Ranjit Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Sangram Singh, Advocate for respondent No.-6-CBI.

Mr. Ishan Thakur, Advocate for Mr. Amninder Singh,
Advocate for respondents No.8 to 10.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under provisions of Section 482 Cr.P.C., the petitioner nurses a grievance against the respondents concerned, on theirs failing to take action upon his representation(s) made to the authorities, representation whereof, is embodied in Annexure P-5. Consequently, the counsel for the petitioner prays for a direction being made, that the allegations embodied in Annexure P-5, be investigated into by the CBI, as, FIR No.0069 dated 29.06.2021, becomes lodged at the police station concerned, rather through the officials concerned, forging the signatures of the petitioner, on the apposite report. Therefore, the petitioner argues through her counsel that the investigations into FIR (supra) cannot be done in a fair or impartial manner, and, that the investigations be transferred to some other agency.

2. If the afore made submissions are credible, and especially, when it is agitated with vehemence before this Court, that the signatures of the petitioner, on the apposite report leading to the lodging of FIR (supra) are forged and fabricated, by the officials of the Punjab Vigilance Bureau, then the afore-submission would carry weight, only after the handwriting expert concerned, whereto, the standard / admitted writings of the petitioner are sent along with her purportedly disputed signatures, as carried in the relevant documents, rather makes after the apposite comparisons, an opinion whether both are authored by one person or by different persons. Obviously, if an opinion is made by the handwriting expert concerned, that both (supra) hold common authorship or the petitioner being the author of all scribings, thereupon the FIR (supra), cannot as argued by the learned counsel for the petitioner, to at this stage being construed to be fictitious drawn, nor this Court would be constrained to make any order for any relevant purpose. However, at this stage, the afore opinion of the handwriting expert is not placed on record.

3. Contrarily, the learned State Counsel, places on record, an order made by the learned Magistrate concerned, declining to accept the closure report, as, placed before him by the Investigating Officer concerned, rather his making an order for the making of further investigations into FIR (supra). The afore made order, constrains this Court to not make any direction, as asked for, in the instant petition, as all the afore strived for directions are prima facie, completely subsumed within the ambit of the order (supra), as made by the Judicial Magistrate concerned. Even if the petitioner is aggrieved, from the further investigations, as are ordered to be

made, by the learned Judicial Magistrate concerned, through his making an order on 23.11.2021, inasmuch the investigations being conducted by the officials of the Punjab State Vigilance Bureau, or by the local police, it is yet open to the petitioner to through the APP concerned, make a motion, that further investigations be carried out, by the officials, who are other than the officials of the Punjab Vigilance Bureau or the officials of the local police.

4. The reason being that the jurisdiction for the afore prayer, being made and also its being redressed, is only vested in the Judicial Magistrate concerned, and, at this stage the apposite redressal jurisdiction does not vest in this Court.

5. In view of the above, the writ petition is closed, giving liberty to the petitioner to appear before the learned Magistrate concerned, through the APP, and make a motion that further investigations, may be ordered, to be conducted by an independent agency. Upon the afore made application be instituted, before the learned Magistrate concerned, the latter shall, in accordance with law, and after hearing all concerned, shall make lawful orders thereon.

December 03, 2021

renu

(SURESHWAR THAKUR)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No