

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

CRM-M-38477-2021

Date of decision-16.09.2021

Chhindo Bai

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manu Loona, Advocate for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C for issuance of directions to respondent No.5 to conduct a fair, impartial inquiry in FIR No.35 dated 24.04.2021 registered under Section 22-C Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Khuli Khera, District Fazilka and further it has been prayed that representations dated 09.08.2021 be decided.

Learned counsel for the petitioner has argued that the petitioner's daughter, namely, Usha Rani has been falsely implicated in FIR No.35 dated 24.04.2021 registered under Section 22 NDPS Act, therefore, the petitioner has approached this Court for issuance of directions to respondent No.5 for conducting fair and impartial inquiry in the representations dated 09.08.2021 (Annexures P-3 to P-6).

During the course of hearing, it is not disputed by learned counsel that the petitioner is in custody and her application for grant of regular bail has already been declined by this Court vide order dated 13.07.2021 (Annexure P-8).

After hearing learned counsel for the petitioner and considering the above background, this Court is of the opinion that the petitioner is stranger to the above FIR and therefore, she has no locus to maintain this petition in view of the decision of Hon'ble Supreme Court in **Romila Thapur and others Vs. Union of India and others, 2018 (10) SCC 753,** and the relevant observation is extracted below:-

32.A fortiori, it must follow that the writ petitioners, who are strangers to the offence under investigation (in FIR No.4/2018); and since they are merely espousing the cause of the arrested five accused as their next friends, cannot be heard to ask for the reliefs which otherwise cannot be granted to the accused themselves. What cannot be done directly, cannot be allowed to be done indirectly even in the guise of public interest litigation.

33. We find force in the argument of the State that the prayer for changing the Investigating Agency cannot be dealt with lightly and the Court must exercise that power with circumspection. As a result, we have no hesitation in taking a view that the writ petition at the instance of the next friend of the accused for transfer of investigation to independent Investigating Agency or for Court monitored investigation cannot be countenanced, much less as public interest litigation.”

Apart from it, it is settled law that after registration of the FIR, the police is bound to conduct investigation in accordance with the law and the procedure of inquiries on the basis of representation on behalf of the accused would amount to interference in the investigation.

Resultantly, no case is made out for exercise of inherent powers under Section 482 Cr.P.C and the petition is dismissed.

(MANOJ BAJAJ)
JUDGE

16.09.2021

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No