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

**CRM-M-42709-2021 (O&M)
Date of decision 11.10.2021**

Arfina

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ramesh Goyat, Advocate for the petitioner.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Today physical hearing was held but on request of learned counsel for the petitioner, the matter is taken up by way of hybrid hearing.

[2] This petition under Section 482 of the Code of Criminal Procedure, 1973 ('hereinafter referred to as 'Cr.P.C.') is filed seeking transfer of investigation of case bearing FIR No. 182, dated 6th October, 2020 under Sections 454, 457, 380, 427, 506 IPC, registered at Police Station Bicchor, District Nuh. Further direction is sought to the investigation agency to initiate legal action against the private respondents being accused in the case.

[3] As per pleadings there was a dispute on 24th July, 2020 between two groups of the village. An FIR No. 134, dated 24th July,

2020, under Sections 148, 149, 323, 302, 379-A, 506, 427, 285, 120-B IPC and Section 25 of the Arms Act, 1959 was registered at Police Station Bicchor, District Nuh against husband of the petitioner, who was taken to judicial custody. Thereafter, Reshim one of affected party approached this Court by filing CRWP No. 7361 of 2020 seeking directions for registration of FIR. The petition was disposed of on 18th September, 2020 on the statement of learned State counsel that representation dated 21st August, 2020 of the petitioner would be decided within three weeks. On the basis of representation, an FIR No. 182, dated 6th October, 2020 was registered.

[4] The grievance now raised is that there is no headway in the investigation of the FIR and no action is being taken against the respondents (arrayed in the petition). In the pleadings, it is stated that respondents are hand-in-glove with the police officials, hence the investigation should be transferred.

[5] Learned counsel for the State submits that there are versions and cross-versions of the incident. Family members of the petitioner are accused in two more FIRs and investigation is going on.

[6] It is well settled law that transfer of investigation should be done in exceptional cases. In the present case transfer is being sought merely on a bald statement that private respondents are hand-in-glove with the local police authorities. The allegation is based on surmises and conjecture. The matter is still under investigation, there are versions and cross-versions of the incident. No case is made out for

transfer of investigation.

[7] The Supreme Court in *Sakiri Vasu v. State of U.P. and others, 2008 AIR (SC) 907* held as under:-

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C. and not by filing a writ petition or a petition under Section 482 Cr.P.C.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere.”

(emphasis supplied)

[8] For the redressal of grievance that there is no headway in investigation of FIR, the petitioner has alternative remedy, no case is made out for interference by this Court u/s 482 Cr.P.C.

[9] The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

11th October, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes