

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37467 of 2019
Date of Decision : 20.09.2021

Milkhi Ram and another

..Petitioners

Versus

State of Haryana and others

..Respondents

(Through Video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dhruv Gupta, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

In the present petition, the prayer of the petitioner is for conducting fair and prompt investigation in FIR No.102, dated 09.04.2018 registered under Section 306 of the IPC at Police Station Mahesh Nagar, District Ambala.

Learned counsel for the petitioner argues that investigation into the allegations alleged in the above said FIR is not being conducted in a proper manner by the Investigating Agency and without investigating all the aspects of the allegations and without waiting for the FSL report, a cancellation report has already been submitted by the Investigating Agency. Learned counsel for the petitioners prays that the Investigating Agency be directed to withdraw the said cancellation report so as to enquire into the allegations afresh in a fair and proper manner.

Learned State counsel submits that a status report has already

been filed, wherein, it has been mentioned that after thorough investigation into the allegations recorded in the FIR, a cancellation report was prepared on 15.03.2019 but the same was not submitted as the FSL report was awaited. Learned State counsel further submits that FSL report was received on 16.12.2019 and after receiving it, the same was considered in light of the allegations in the FIR coupled with evidence which had come on record during investigation as per the opinion of the Investigating Agency, a cancellation report was submitted before the Magistrate on 13.01.2020 which report is now pending consideration before the Magistrate.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The prayer of the petitioners with regard to proper and fair investigation into the allegations as alleged in the FIR cannot be accepted, at this stage, by this Court, especially, when the Investigating Agency after investigating the allegations have already submitted the cancellation report, which is now pending consideration before the competent Court of law. Consideration with regard to the acceptance of the said report submitted by the Investigating Agency is to be undertaken by the Magistrate concerned. In case, the petitioner is aggrieved in any manner, with regard to the investigation conducted by the Investigating Agency and the cancellation report, petitioner can approach the concerned Magistrate by raising all the objections to the said cancellation report, which will be considered by the Magistrate concerned while passing appropriate order on the cancellation report submitted by the Investigating Agency.

Even otherwise, the acceptance of the prayer of the petitioner for directing the Investigating Agency to conduct a free, fair and proper

investigation into the allegations alleged in FIR No.102, dated 09.04.2018 registered under Section 306 of the IPC at Police Station Mahesh Nagar, District Ambala after the submission of the cancellation report would mean that this Court is of the opinion that cancellation report needs to be rejected and fresh investigation is to be undertaken. No such direction can be given by this Court, especially, when the cancellation report is not under challenge before this Court and the same is already pending consideration before the competent Court of law. Therefore, prayer of the petitioner in the present petition cannot be acceded to by this Court, when the petitioner has a proper and efficacious remedy of raising objections against the cancellation report before the Magistrate concerned.

Keeping in view the above, this Court would not like to interfere especially, when the petitioner has an appropriate efficacious remedy to address his grievance as raised in the present petition before the Magistrate, therefore, the prayer of the petitioner for directing the investigation agency to undertake free, fair and proper investigation into the allegations alleged in the FIR No.102, dated 09.04.2018 registered under Section 306 of the IPC at Police Station Mahesh Nagar, District Ambala does not warrant any interference by this Court keeping in view the fact that the petitioner has an appropriate efficacious remedy for the same.

No ground is made out to grant the prayer as raised in the present petition, at this stage.

Dismissed.

September 20, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No