

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

**114**

**CRM-M-52875-2021**

**Decided on : 17.12.2021**

Mahima Kakkar

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

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

**(Through Video Conferencing)**

PRESENT: Ms. Amrita Nagpal, Advocate  
for the petitioner(s).

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**MANJARI NEHRU KAUL, J. (Oral)**

The instant petition has been filed under Section 482 Cr.P.C., *inter alia*, seeking issuance of directions to the official respondents No.1 & 2 to appoint some senior officer for conducting fair and impartial investigation in the case lodged as FIR No. 501, dated 15.08.2021, under Sections 323, 377, 498-A, 506 of IPC, registered at Police Station City, Panipat. Besides above, a further prayer has also been made for direction respondents No.1 to 3 for protection of life and liberty of the petitioner and her family members at the hands of private respondents No.6 to 10 and take strict legal action in pursuance to representation dated 19.11.2021 (Annexure P-7) as well as issuing directions for adding offences under Sections 307, 326 of IPC in the FIR in question.

Learned counsel for the petitioner while inviting the attention of this Court to the FIR (Annexure P-2), submits that despite the complainant levelling serious and specific allegations against accused – respondents No.6 to 10, the investigating agency during investigation found all but respondent No.6 innocent. Learned counsel further submits that it was thus evident that the investigating agency had connived with the accused and found them innocent even though there was enough material on record to indicate their complicity in the crime in question.

I have heard learned counsel for the petitioner and perused the material on record.

Upon receipt of a complaint disclosing the commission of a cognizable offence, neither the accused nor the complainant can have a say as to which agency or officer should investigate the crime in question. This Court would desist from exercising its inherent jurisdiction under Section 482 Cr.P.C. to order change of the investigating officer/agency while the investigation is still underway, except, of course, in appropriate cases where the investigation may not be proceeding in a *bona fide* manner.

The learned counsel has failed to satisfy this Court about any such circumstances or *bona fide* apprehension which would warrant issuance of directions as sought for. Investigation is still underway. Needless to say that if after the presentation of challan, the grievance of the petitioner persists, she would always be at liberty to avail of the alternative remedies available to her under the provisions of Code of Crl. Procedure.

Petitioner stands dismissed.

(MANJARI NEHRU KAUL)  
JUDGE

**December 17, 2021**

*J.Ram*

*Whether speaking/reasoned:*      *Yes/No*  
*Whether Reportable:*              *Yes/No*