

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

116

(Through Video Conferencing)

CRM-M-6215-2022

Date of decision: 14.02.2022

Kshama Sharma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Dr. Kanu Sharma, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is praying for directions to respondents No.2 to 6 to conduct fair and impartial investigation against the accused persons in FIR No.0226 dated 24.12.2021 under Sections 148, 149, 323, 354, 452 and 506 IPC registered at Police Station Raipur Rani, District Panchkula.

Learned counsel for the petitioner submits that the official respondents have been colluding with the accused persons as they have failed to apprehend them even though they have been specifically named and attributed a role in the aforementioned FIR. Learned counsel also submits that even though there were specific allegations levelled against the accused of having committed an offence attracting the mischief of Section 379-B IPC, however, the police had intentionally omitted to add the said offence while registering the FIR in question.

Notice to the official respondents only.

On asking of the Court, Ms. Tanushree Gupta, DAG, Haryana accepts notice on behalf of the official respondents.

Learned State counsel on instructions from the investigating officer has vehemently disputed the submissions made by counsel opposite. She submits that out of eight accused named in the

FIR, six stand arrested and the police is making all efforts to arrest the remaining two accused.

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

This Court would not be inclined to invoke its inherent jurisdiction under Section 482 Cr.P.C. to issue directions as sought for. Admittedly, the investigation is still underway as the challan has still not been presented. It needs to be reiterated that the investigation falls within the exclusive domain of the investigating agency and thus this Court would be most reluctant to step into the shoes of the investigator and order addition of certain offences as prayed for. In case, the petitioner is aggrieved on account of any inaction on the part of the investigating agency including non-addition of certain offences, which as per learned counsel for the petitioner have erroneously and intentionally been left out, instead of knocking on the doors of this Court, the petitioner would be at liberty to avail of the alternative remedies available under the Code of Criminal Procedure, 1973.

Dismissed.

14.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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