

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

CRM-M-12888-2022

Date of decision: 08.04.2022

Subhash Chander Kundra @ Katty

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vijay Rana, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks issuance of directions to respondent No.2 to take action against respondent No.4- Inspector Harbans Singh, Incharge, STF Ludhiana Range, to register an FIR under Sections 192, 204, 420, 468 and 471 IPC in terms of the order dated 15.11.2021 (Annexure P-5) passed by the learned Addl. Sessions Judge, Ludhiana, on an application dated 01.11.2021, submitted by the petitioner in case bearing FIR No.168 of 2003, under Sections 7, 12 and 13 of the Prevention of Corruption Act, registered at Police Station Division No.6, Ludhiana, for destroying the judicial record of the court file.

I have heard the learned counsel for the petitioner.

It is not disputed that the petitioner is an accused in FIR No.168 of 2003, under Sections 7, 12 and 13 of the Prevention of Corruption Act, registered at Police Station Division No.6, Ludhiana.

The petitioner being an accused in the above-noted FIR, cannot pray for any directions and may approach the concerned court for his grievance. The accused cannot choose as to which way the investigating agency must work. The petitioner prays for the directions for registration of an FIR on the basis of order dated 15.11.2021 (Annexure P-5) passed by the learned Addl. Sessions Judge, Ludhiana. This indicates that the petitioner wants to have a say in the proceedings of a pending criminal case. It is for the Court concerned to take cognizance of any development, if it deems so fit. But, the accused cannot be allowed to hijack the proceedings.

The Hon'ble Apex Court in the case of Romila Thapar and Ors. Vs. Union of India and Ors., (2018)10 SCC 802, has held as under:-

“21. Turning to the first point, we are of the considered opinion that the issue is no more res integra. In Narmada Bai Vs. State of Gujarat and Ors. (2011) 5 SCC 79, in paragraph 64, this Court restated that it is trite law that the accused persons do not have a say in the matter of appointment of Investigating Agency. Further, the accused persons cannot choose as to which Investigating Agency must investigate the offence committed by them. Paragraph 64 of this decision reads thus:-

“64. It is trite law that accused persons do not have a say in the matter of appointment of an investigation agency. The accused persons cannot choose as to which investigation agency must investigate the alleged offence committed by them.”

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

08.04.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No