

113

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

CRM-M-16609-2022

Date of decision : 25.04.2022

Jasveer Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rakesh Kumar Kachura, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for transfer of investigation in FIR No.7 dated 19.01.2021 registered under Sections 302 and 34 of the Indian Penal Code, 1860 at Police Station Guruharsahai, District Ferozepur.

The petitioner had first filed CRM-M-11993-2022, in which, this Court vide order dated 22.03.2022, had passed the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for issuance of directions to official respondent Nos.2 to 4 to take appropriate action against respondent Nos.6 to 11 in FIR No.7 dated 19.01.2021 registered under Sections 302 and 34 of the Indian Penal Code, 1860 at Police Station Guruharsahai, District Ferozepur.

A query has been put by this Court to the learned counsel for the petitioner to the effect that in para 6 of representation dated 17.08.2021 (Annexure P-3) which is at page 35 of the paper book, it has been mentioned that an application has been filed before the SDJM, Guruharsahai for obtaining the report of SHO, Police Station Guruharsahai which is stated to be pending.

*Learned counsel for the petitioner has submitted that he is not aware about the said proceedings and seeks permission of this Court to withdraw the present petition with liberty to file a fresh petition after ascertaining the nature of said proceedings and the orders, if any, passed in the same and after going through the judgments of the Hon'ble Supreme Court in case titled **Sakiri Vasu Vs. State of U.P. and others**, reported as **2008(2) SCC 409** and in **M. Subramaniam and another Vs. S. Janaki and another, Criminal Appeal No.102 of 2011, decided on 20.03.2020.***

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.”

After passing of the said order dated 22.03.2022, it has now been stated in para 11 of the present petition that in the earlier application, the police had arrested one person namely Heera Singh son of Mukhtiar Singh which was not mentioned in the first petition and who is not the person who has been shown as private respondent. It is also submitted in the said para, it has also been stated that the said application was dismissed as withdrawn. Even in the present petition, neither the said application which was filed, nor any zimni order/final order passed in the said case nor the date of the order vide which the same was withdrawn

have been mentioned.

Learned counsel for the petitioner again seeks permission of this Court to withdraw the present petition with liberty to file fresh petition after annexing all the said documents and after considering as to whether in spite of the fact that earlier petition was dismissed as withdrawn before the Magistrate as to whether the present petition under Section 482 of Cr.P.C. would be maintainable or not.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

25.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No