

CRM-M-17757-2022

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

CRM-M-17757-2022

Date of decision: 08.08.2022

Amarjeet Kaur

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Raja Paramdeep Saini, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks issuance of directions to the official respondents to entrust the investigation of case bearing No.41 dated 07.03.2022, registered at Police Station Lopoke, District Amritsar Rural, under Sections 452, 323, 324, 326 and 34 IPC, to some independent agency by constituting a Special Investigating Team, outside the jurisdiction of Amritsar Police.

Learned counsel for the petitioner submits that owing to various ailments, husband of the petitioner is a bed ridden; that in the year 2001, the complainant and her husband raised the construction of wall illegally in front of the gate of the petitioner, which had been objected to by her; that due to the aforesaid reason, the complainant and her family members are having a grudge against the petitioner and her family members; that the complainant and her husband had also advanced life threats to the petitioner and her family members and that a complaint dated 08.10.2021 was submitted qua the same.

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Learned counsel for the petitioner further submits that on 15.02.2022 i.e. prior to the registration of the above-noted FIR, son of the petitioner also submitted a representation to the Commissioner of Police, NRI Cell, Amritsar, seeking action against the complainant and her family members for abusing and threatening the petitioner, but no action had been taken thereupon. Learned counsel further contends that on 19.03.2022, the husband of the petitioner had also moved the representation dated 19.03.2022 to respondent No.4-Senior Superintendent of Police, Amritsar (Rural), seeking a fair and impartial investigation in the present FIR, but the same has not yielded any result.

On the other hand, learned State counsel submits that the petitioner is the accused in FIR No.41 dated 07.03.2022, registered at Police Station Lopoke, District Amritsar Rural, under Sections 452, 323, 324, 326 and 34 IPC, and therefore, she cannot pray for the relief as claimed in the present petition.

I have heard the learned counsel for the parties.

The petitioner being an accused in the above-noted FIR, cannot pray for any such direction and may approach the concerned Court for her grievance, if any. The accused or his/her family member(s) cannot choose as to which way the investigating agency must work and cannot be allowed to hijack the proceedings.

The Hon'ble Apex Court in the case of Romila Thapar and others Vs. Union of India and others, 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 Marnada

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Bai vs State of Gujarat and other, 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, this Court does not find any merit in the present petition.

Dismissed.

08.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No