

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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CRM-M-23113-2021
Date of decision: 06.05.2022

BALRAJ KAUR

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Ms. Divya Gulati, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner makes averments in the petition that FIR No. 34 dated 14.03.2021 registered at Police Station Mohkampura, District Amritsar, is not being fairly and impartially investigated into, by the Investigating Officer concerned, and, has prayed for a mandamus being made upon the official respondents concerned, to transfer the investigation to an officer not below the rank of Superintendent of Police.

2. The above made prayer would remain alive, only if the investigation is underway, but, would not survive, if the investigation is complete, and thereafter an affirmative report under Section 173 of Cr.P.C., becomes instituted before the learned Magistrate concerned, and or upon, a Cancellation Report being filed before the Court

concerned.

3. The learned State Counsel submits on instructions from ASI Baljinder Singh, that after conclusion of the investigations in the FIR (Supra), there is a proposal to institute a Cancellation Report, before the trial Magistrate concerned.

4. Consequently, the grievance, if any, of the petitioner, appertaining to makings of tainted investigations into FIR (supra), cannot become redressed, at this stage, rather can become canvassed only through hers making a protest against the acceptance of the Cancellation Report, hence before the learned trial Magistrate concerned.

5. Furthermore, any other grievance as pertaining to the further investigations being made into the FIR (Supra), by an Officer not below the rank of Superintendent of Police concerned, can also be canvassed only before the trial Judge concerned.

6. In sequel, there is no merit, at this stage, in the instant petition, and, it is disposed of with the above directions, and, observations.

06.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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