

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

CRM-M-44276-2017 (O&M)

Date of Decision: September 20, 2022

Jaswinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Kamal Preet Bawa, AAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for seeking direction of respondent Nos.1 to 3 to transfer the investigation of the case bearing FIR No.0113, dated 28.10.2017, under Section 365 IPC, registered at Police Station Kathgarh to Central Bureau of Investigation, Crime Branch of Punjab Police, Chandigarh and to any other independent agency.

Notice of motion in this case was issued on 21.11.2017. Pursuant thereto a reply dated 28.02.2018 was filed, wherein it was stated that the investigation was carried out, however the allegations are found to be false.

Learned counsel for the petitioner however submits that the police has cancelled the cancellation report thrice the most recent being in April, 2022. The learned Magistrate had directed the State to re-investigate the matter. He further submits that the petitioner would be satisfied in case the investigation is carried out by a senior officer.

Learned State counsel on instructions from ASI Niranjana Singh, the petitioner is not coming forward before the Investigating

Agency despite the *parwana* having been sent to her. He submits that the petitioner be directed to join the proceedings, which shall expedite the investigation.

Upon this, learned counsel for the petitioner submits that the petitioner will join the proceedings on 28.09.2022.

Learned State counsel also submits that the investigation is now being carried out by the Senior Superintendent of Police, which satisfies the learned counsel for the petitioner at this stage and submits that the present petition may be disposed of as having been rendered infructuous.

In view of the above, no further order is required to be passed in the matter. Accordingly, the present petition stands disposed of as having been rendered infructuous.

However, the petitioner is at liberty to avail the alternative remedy available to him, in accordance with law.

September 20, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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