

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

**CRM-M No. 29350 of 2021
Date of Decision: 06.05.2022**

Rajinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, the petitioner is seeking the making a mandamus, upon the official respondents concerned, to make an impartial and expeditious investigation into FIR No. 61 of 09.04.2021 (Annexure P-1), registered at Police Station City Fazilka, District Fazilka, constituting therein offences under Sections 365 & 120-B of the IPC (Section 323 of the IPC added later on.

2. After notice of motion being accepted by the learned State Counsel, a reply on affidavit has been instituted on behalf of the official respondents. A perusal of the reply reveals, that thorough and expeditious investigations are being made into FIR (supra), and that very shortly, a report under Section 173 of the Cr.P.C., would become instituted, before the Court of the learned Magistrate concerned. Moreover, it is also unfolded in the reply on affidavit, placed before this Court, that the accused concerned, are evading arrest, and, that for arresting the accused concerned, rather

strenuous efforts are being made.

3. Though, in the light of the afore reply furnished on affidavit to the petition, the instant petition does not survive, moreso, when the purportedly tainted investigations made into FIR (supra), are not supported by any tangible and concrete evidence.

4. Even the prayer made before this Court, that the Investigating Officer (IO) concerned, has, without application of mind, removed the offences under Sections 365 & 120-B of the IPC from the FIR (supra), and, has added an offence under Section 341, 506, 34 of the IPC, rather also cannot be agitated, before this Court, as additions and deletions of the offences in FIR (supra), are within the domain of the IO concerned, but grievance, if any, in respect of any untenable deletions or additions of offences, as, made in FIR (supra), can be canvassed through the petitioner concerned, moving an application, before the learned Magistrate concerned for further investigations into FIR (supra), hence for causing additions of the offences (supra) in FIR (supra).

5. Though, the learned counsel appearing for the petitioner contends that the respondents concerned, be directed not to hold any enquiry into the investigations concerned, but the afore prayer is declined as no jurisdictional empowerment is vested in this Court, to restrain the holding of any enquiry or investigations into any DDR.

6. Disposed of.

May 06, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>