

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

(Sr. No. 114)

CRM-M No. 37450 of 2022 (O&M)

Date of decision : 23.08.2022

Suresh Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms. Bhavi Kapur, Advocate for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C. the petitioner-complainant seeks transfer of investigation of FIR No.74 dated 22.04.2022 registered under Sections 341, 323, 325, 354-B, 506 and 34 IPC at Police Station Tibba, District Police Commissionerate, Ludhiana to any other investigating agency as according to the petitioner free and fair investigation in the matter is not being conducted.

Learned counsel for the petitioner has submitted that the petitioner filed a complaint with the police as per which on 20.04.2022 at about 11:30 p.m. he heard screams from outside their house; on hearing such screams the petitioner and his wife - Geeta Rani went outside and noticed that the accused were hurling abuses at the petitioner's brother - Pradeep Kumar @ Prince; the petitioner asked the accused not to do so; one

of the accused Harwinder Singh then gave beatings to the petitioner; when the petitioner's wife intervened, accused Gurwinder Singh picked up a brick and hit his wife; thereafter, accused Harwinder Singh also gave blows with a brick on the mouth and head of the petitioner's wife; co-accused Harwinder Singh then tore his wife's clothes and that on the intervention of the neighbours the petitioner and his wife were rescued.

On the basis of the above complaint the police initially lodged an FIR against the accused under Sections 341, 323, 354-B, 506 and 34 IPC.

The petitioner produced before the police his wife's MLR which clearly revealed fractures of the left frontal bone and right nasal bone as also dislocation of her palate. On such basis he pleaded with the police to prosecute the accused under Section 307 IPC. The matter was also taken up by the press. On 07.05.2022, the police added Section 325 IPC in the list of sections under which the accused were sought to be prosecuted. However, this did not satisfy the petitioner and accordingly a complaint was filed with Commissioner of Police, Ludhiana that respondent No.4, who was the Investigating Officer, was harassing the petitioner by calling him and his wife to the police station and pressurizing them to compromise the matter with the accused.

Learned State counsel, who appears on advance notice, submits that the investigation in the FIR in question is being conducted fairly and denies that any pressure is being exerted by the State or its officers upon the petitioner to compromise the matter with the accused. He further submits that there is another FIR registered against the petitioner's brother - Pradeep

Kumar @ Prince at the instance of the accused in the present case under Sections 458, 323, 427, 506 and 34 IPC which is pending investigation.

Without commenting on the afore conflicting stands taken by both the parties but only to allay any apprehensions in the petitioner's mind it is directed that both the FIRs *i.e.* the FIR in question and also the FIR registered by the accused party against the brother of the petitioner be investigated under the supervision of A.C.P. (East), Ludhiana.

The present petition is disposed of in the above terms.

23.08.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No