

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-53154-2021
Decided on : 17.01.2022

Samir Kampani & ors.

..... Petitioners

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S.Mamli, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

Prayer in the instant petition filed under Section 482 Cr.PC is for issuance of directions to official respondents No1 to 3 to conduct the investigation in a fair and proper manner or in the alternative to hand over the investigation to an independent agency in FIR No.69 dated 30.06.2021 under Sections 498-A, 506, 406, 354, 323, 34 IPC Police Station WPS-Gurugram (West) District Gurugram.

Learned counsel for the petitioners submits that the investigation in the instant case has not been carried out in an impartial manner and hence, he would be greatly prejudiced by the investigation carried out so far.

At this stage, learned State counsel on instructions has submitted that challan was presented against the petitioners on 06.09.2021 and thereafter, on further investigation, a supplementary challan also stood presented against the petitioners on 13.12.2021.

Heard learned counsel for the parties and perused the material available on record.

Upon receipt of a complainant disclosing the commission of cognizable offences against the accused, neither the accused nor the complainant have a say as to which agency or officer should investigate the crime in question. This Court would desist from exercising its inherent jurisdiction under Section 482 Cr.PC to order change of the investigating officer/agency except, of course, in appropriate cases where the investigation may not have proceeded in a bona fide manner.

Learned counsel for the petitioners has failed to satisfy this Court about any such bona fide apprehensions or circumstances for issuance of directions as sought for. This Court, therefore, is not inclined to exercise its inherent jurisdiction under Section 482 Cr.P.C. and issue directions as prayed for by the petitioners.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

17.01.2022

sonia

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No