

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

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CRM-M-48975-2022

Date of decision : 14.11.2022

Pankaj Trivedi

Petitioner

V/S

State of Punjab and others

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. R.S. Bains, Senior Advocate with
Mr. M.S. Chauhan, Advocate for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab.

Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate for respondent No.4.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of order dated 05.08.2022 whereby the Director Bureau of Investigation, Punjab, Chandigarh has ordered Commissioner of Police, Jalandhar to conduct further investigation in FIR No.139 dated 26.10.2021 registered under Sections 406, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Navi Baradari, Jalandhar despite the fact that investigation completed and case was found to be civil in nature and Investigating Officer have already presented the cancellation report before the Jurisdictional Magistrate.

Learned counsel for the petitioner submits that the Jurisdictional Magistrate vide its order dated 07.11.2022 had directed re-investigation in the matter whereas he has no jurisdiction to order re-

investigation, although, he can order further investigation into the matter.

Notice of motion.

On the asking of the Court, Mr. Gurpreet Singh Sandhu, D.A.G., Punjab, who is present in the Court accepted notice on behalf of respondents No.1 to 3.

At this stage, Mr. Bipan Ghai, Senior Advocate with Mr. Nikhil Ghai, Advocate have appeared and accepts notice on behalf of respondent No.4.

In view of the above-said submissions made by learned Counsel for the petitioner, learned State counsel, on instructions of ASI Balkaran Singh, Submits that the SHO will file appropriate application before the Jurisdictional Magistrate within 15 days with the request for further investigation in the matter. In case such application is moved before the Jurisdictional Magistrate, the same shall be disposed of in accordance with law.

The present petition is disposed of accordingly.

14.11.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No