

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

**CRM-M-3914-2019
Date of Decision: 15.05.2023**

Arshad

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: None for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

HARSH BUNGER J. (ORAL)

1. Petitioner (Arshad) has filed the present petition under Section 482 of the Code of Criminal Procedure seeking direction to respondents No.1 to 3 to transfer the investigation in case FIR No.333 dated 03.09.2018, registered under Sections 148, 149, 316, 323 and 506 of the Indian Penal Code, at Police Station Tauru, District Nuh (Mewat), to any independent Investigating Agency or any other Senior Police Official, not below the rank of I.P.S. Further prayer has been made to take appropriate speedy legal action against respondents No.5 to 13 in the aforesaid FIR.

2. Learned State counsel has referred to paragraph No.4 of additional reply dated 30.03.2022 filed by way of affidavit of Mr. Surender Singh, H.P.S., Deputy Superintendent of Police, Tauru, District Nuh, which is already on record, wherein the following stand has been taken:-

“That after completion of investigation against the aforesaid

accused namely 1- Tarif S/o Rahisha 2- Mubarik S/o Ilyas 3- Sarif S/o Khurshid 4- Azhar @Azhruddin S/o Fakhruddin, a challan was prepared u/s 173 (2) Cr.P.C. and same was submitted in the court of Ld. Illaqa Magistrate on 29-05-2019 for committing the case to the Ld. Session Judge, Nuh for further legal proceeding in the matter. Charges have been framed against the accused on 25-7-2019 and case is now fixed for 11-7-2022 for prosecution evidence in the court of Ld. Additional Session Judge, Nuh. There are total 15 witnesses and 6 witnesses have already examined and remaining 9 witnesses yet to be examined in the present case, which is now fixed for 11-7-2022 for prosecution evidence. Accused Mubarik S/o Ilyas was also found involved in two more cases bearing FIR No.194 dated 8- 7-2010 u/s 365, 34 IPC, P.S. Ferozepur Jhirka and FIR No. 186 dated 25-7-1999 u/s 379 IPC, P.S. Nuh. However, the remaining accused were not found involved in any other case as per criminal record of police station Tauru Distt.Nuh

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3. A perusal of the aforesaid additional reply dated 30.03.2022 reveals that challan has already been presented in the present case and the matter stands committed to the Court of Sessions Judge, Nuh, where the case was fixed for prosecution evidence.

4. Further, a perusal of file reveals that no one had appeared to represent the petitioner on 14.03.2022 and same was the position on 17.04.2023, as well. Accordingly, petitioner as well as his counsel was directed to be notified of the next date of hearing, i.e. 15.05.2023 (today).

5. As per office report, learned counsel for the petitioner has been informed about the date fixed (15.05.2023) through e-mail and information letter sent to the petitioner has not been received back served or otherwise.

However, even today, no one has appeared to represent the petitioner.

6. It appears that the petitioner is not interested in pursuing the instant matter any further.

7. In view of the above, the present petition is dismissed for non-prosecution.

15.05.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No