

In the High Court of Punjab and Haryana at Chandigarh
113

CRM-M-9626 of 2023

Date of Decision: 23.02.2023

XXXX

---Petitioner

versus

State of Haryana and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Kulwinder Kaur, Advocate
for the petitioner
Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition filed under Section 482 Cr.P.C., is seeking direction to transfer investigation and further direction to official respondents to conduct free and fair investigation in FIR No. 566 dated 02.09.2022, under Sections 323, 313, 376, 498-A and 506 IPC and Section 67A of Information Technology Act, 2008, registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner inter alia contends that investigating officer in spite of registration of FIR on 02.09.2022 is not taking any action against the accused.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana accepts notice on behalf of the respondent-State.

Learned State counsel, on instructions from ASI

Mahenderpal Singh, submits that Sections 376, 313 IPC and Section 67 A of Information Technology Act have been deleted from FIR and investigating officer is proceedings with the matter without being influenced by accused.

Jurisdiction of investigation lies within realm of investigating agency. Court has no authority to interfere in the investigation until and unless there is grave miscarriage of justice or misuse of process of law. FIR was registered on 02.09.2022 and at this stage, it would be in haste to pass any order because there is no allegation of influence of any accused.

In view of statement of learned State counsel and especially in view of the fact that there is no allegation or evidence that police is working under the pressure of some influential person, there is no need to transfer investigation. This Court is sanguine of the fact that investigating agency would conduct free and fair investigation and take the matter to its logical end. No further order is warranted.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.02.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No