

In the High Court of Punjab and Haryana at Chandigarh

118

CRM-M-8813 of 2023

Date of Decision: 21.02.2023

Babli @ Mumtaz

---Petitioner

versus

State of Haryana and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Tarundeep Kumar, Advocate
for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through the instant petition under Section 482 Cr.P.C., is seeking transfer of investigation of FIR No. 498 dated 16.09.2022, under Sections 323, 379, 365, 377 and 506 IPC, registered at Police Station City Kaithal.

Learned counsel for the petitioner submits that petitioner belongs to transgender community and she is about 60 years. She has lodged FIR against private respondents, however, police authorities are not taking action against the private-respondents. The police is not making free and fair investigation.

Notice of motion,

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

Learned State counsel submits that matter is under

investigation and she assures the Court that appropriate action would be taken against the private respondents in accordance with law and without being influenced by any one.

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 16.09.2022 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

21.02.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No