

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

(226)

CRM-M-9320-2023

Date of Decision: 24.02.2023

Harinder Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pardeep Virk, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A. G. Haryana.

Mr. Sandeep Gahlawat, Advocate, for respondent No.5.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for issuance of directions to the trial Court for taking up the matter for framing of charge.

In pursuance to the last order, respondents No.2 to 5 have been served, however, Mr.Sandeep Gahlawat, Advocate, has appeared for respondent No.5 while no one has chosen to appear on behalf of rest of the private respondents.

Facts of the case are that on a complaint made by the petitioner, FIR No.110 dated 28.05.2022 under Sections 120-B, 420, 467, 468 and 471 IPC came to be registered against the private respondents. Upon concluding of investigation, final report was submitted by the investigating agency before the Illaqa Magistrate on 28.09.2022. In the meanwhile, some of the alleged accused moved an application with a prayer for issuance of directions to the investigating agency to investigate the matter further in exercise of powers under Section 173(8) Cr.P.C., which is pending consideration with the trial Court.

present case was presented before the Illaqa Magistrate on 28.09.2022 whereas even after the expiry of almost 5 months now, no consideration has been made upon framing of charges which could initiate the commencement of trial and enable the complainant/petitioner to appear and make his deposition in support of his allegations in the FIR. Learned counsel further submits that the matter is being delayed unnecessarily for one reason or the other.

On the other hand, learned counsel for respondent No.5 submits that an application at his instance has been moved before the trial Court for issuance of directions as regards further investigation which is pending consideration with the trial Court and submits that there is no delay on the part of respondent No.5.

I have heard learned counsel for the parties and gone through the paper book.

Though an attempt has also been made to project some kind of appreciation of threat to her life by the petitioner, however, without commenting upon the merits of those allegations but for considering the fact that the *challan* in the present case was filed on 28.09.2022, the trial court is requested to decide all applications filed at the instance of private respondents as regards their prayer of further investigation/discharge/arguments on charge, preferably within a period of 6 weeks from today.

In view of the discussion made hereinabove, the present petition is disposed of accordingly.

(HARKESH MANUJA)
JUDGE

24.02.2022
anil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No