

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

CRM-M-13954 of 2016

Date of decision: 24.01.2023

Haseen

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Mohd. Arshad, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C., for seeking direction to respondents No. 2 and 3 to transfer the investigation of Case No. 310 dated 01.10.2012 at Police Station Tauru, District Mewat registered under Sections 323, 353, 186, 307, 302 IPC and 25, 54, 59 Arms Act at Police Station Tauru to CBI.

On 07.07.2017, following order was passed:-

“In a shoot out with the police patrol, some persons in a Scorpio SUV fired at the police party chasing them at night and amidst the firing a Cleaner of a truck died of gunshot injury. The police had been deputed to escort trucks in the Mewat area to proceed in a convoy as a protection against bad elements. The Scorpio escaped and it had no number plate. The police investigated the matter and ultimately filed an untraced report which was accepted by the Magistrate vide order dated 4.3.2015 which closed the chapter on investigation.

The petitioner is stated to be a practising advocate and has been pursuing this case on behalf of the family of the victim alleging that it was the police who murdered the cleaner. The petitioner is not related

to the family of the victim. He is neither an eye witness. The victim's family belongs to Rajasthan while the petitioner is a resident of Village Tauru, District Mewat. His residence is at a distance of about 7-8 K.M from the place of occurrence. At the time of occurrence while the firing was going on there was exchange of fire, however it was late in the night and the Scorpio vehicle made good the escape from the police, never to be traced or found. The family members of the victim are not before the court suspecting any person for the death of the deceased and the petitioner has espoused the cause by filing the present petition. He has earlier filed CWP No. 20298 of 2016 in case titled Haseen Vs. State of Haryana and others which is a Public Interest Litigation asking for directions to the Director General of Police, Haryana (respondent No.2) to transfer the investigation of Case FIR No. 247 dated 25.6.2016 registered at Police Station Tauru District Nuh (Mewat) to the Central Bureau of Investigation in which offences punishable under Sections 459/460 and 376-D of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 25 of the Arms Act, 1959 were added, had been agitated. Though that case has nothing to do with this case but the Registry has put up the orders on file to show previous litigation at the hands of the petitioner by matching names.

This Court vide order dated 7.10.2016 dismissed the petition as withdrawn with liberty to the petitioner to enable him to file an appropriate petition on behalf of the victim.

Having considered the facts and circumstances of this case and the fact that the Magistrate has passed final orders treating the case as untraced any further proceedings after termination of this case as untraced appears to be of no practical use. Therefore, the instant petition is dismissed.

However, the State of Haryana would show whether any victim compensation was paid by the State Government to the family of the deceased.

An affidavit be filed based on rules/instructions of Haryana Government dealing with victim compensation and whether it is

required to pay the family of the deceased.

For this purpose, list on 14.8.2017.”

Thereafter, the learned State Counsel sought time for filing an affidavit of the Deputy Commissioner, Mewat with regard to victim compensation. An affidavit of the Deputy Superintendent of Police, Headquarter Nuh has been filed on behalf of respondents No. 1 to 5 wherein in Paragraph 8 thereof, it has been stated that the Deputy Commissioner had made payment of compensation of Rs. 2,00,000/- to Smt. Harbhaji, mother of deceased Pooran son of Ramlal vide pay order No. 2200058692 dated 23.07.2019 of the District Legal Service Authority, Nuh (Annexure R-2).

In view of the above, learned State Counsel submits that the instant petition has been rendered infructuous as the payment has already been made. He further submits that the petitioner is neither complainant nor victim.

In view of the above, the instant petition is rendered infructuous and the same is disposed off accordingly.

24.01.2023
manoj

(NAMIT KUMAR)
JUDGE

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