

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-11355 of 2023

Date of Decision: 03.03.2023

Bharti

---Petitioner

versus

State of Punjab and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vikas Kumar Dhariwal, Advocate
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through the instant petition under Section 482 Cr.P.C., is seeking direction to respondents No. 1 to 3 and 5 to arrest respondent No. 6, his friends and family members in FIR No. 16 dated 27.01.2023, under Sections 376(2)(N), 506 IPC and Section 3(2) (V) of SC/ST Act, registered at Police Station Mataur, District SAS Nagar Mohali.

Learned counsel for the petitioner inter alia contends that on the complaint of petitioner aforesaid FIR has been registered, however, till date no accused has been arrested. The petitioner has made representations to different authorities, however, police is not looking into the matter.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab, accepts notice on

behalf of the respondent-State.

Learned State counsel submits that jurisdictional authorities would certainly look into representations of the petitioner and do the needful.

I have heard learned counsel for the petitioner and perused the record.

In view of settled proposition of law, the police is bound to register FIR in case of cognizable offence, however, the investigating officer is not bound to arrest alleged accused at the behest of complainant unless and until he finds that there are reasons to arrest the accused. The Court cannot ask an investigating officer to arrest anyone unless and until it is found that there is gross misuse of power or abuse of process of law or favouratism on the part of police official.

In the case in hand, there is nothing on record indicating that police is misusing or abusing the process of law.

In the above backdrop, this Court is sanguine of the fact that investigating officer will proceed in accordance with law and do the needful.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

03.03.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No