

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

136

CRM-M-14841-2023 (O&M)
Date of Decision : 23.03.2023

Kusum

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ankit Chahal, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C, is seeking quashing of final report dated 23.10.2021 filed in FIR No.351 dated 09.09.2021 registered at Police Station Barauda, District Sonipat, under Sections 323, 342, 354, 498-A and 34 IPC and direction to senior police officers to take action against Investigating Officer for defective police report.

Learned counsel for the petitioner *inter alia* contends that at the behest of the petitioner, the aforesaid FIR was registered against the private respondents. The police carried out investigation in a bias manner. During the course of investigation, it was found that offence punishable under Section 354 of IPC has been committed, however, no allegation of commission of offence under Section 354 IPC by Vikram-respondent No.9 was made in the *challan*. In the police report, it has been alleged that Jagdeep Son of Dharam Singh has committed offence punishable under

Section 354 of IPC whereas it should be Vikram son of Dharam Singh. He further submits that Sub Divisional Judicial Magistrate, Gohana has framed charges in a very casual and routine manner on the basis of challan presented by the police officials.

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

The police after completing investigation has filed its report under Section 173 Cr.P.C. and the trial Court has framed charges against respondent No.8. The petitioner is claiming that there should be fresh investigation by Special Investigation Team (SIT) and action should be initiated against the police officials who had conducted investigation because it was bias and unfair investigation.

The trial Court is seized of the matter and Magistrate is quite competent to amend the charge or pass an order for further investigation, if he comes to a conclusion that investigation was not conducted in a fair and reasonable manner. The trial Court is further competent to summon the persons shown in Column No.12. The trial Court is competent to amend the charge if it finds that proper Sections have not been invoked in the police report. A Magistrate is not supposed to frame charges under Sections which are mentioned in the *challan*. Magistrate is master of the trial and he has every power to summon a person as an accused as well as frame the charges under a section which he finds appropriate. The petitioner has not moved any such application before the trial Court and straightway approached this Court seeking direction to higher police officials to constitute SIT and take action against the Investigating Officer.

Any order, at this stage, would amount to interference in the

trial which is pending before the Magistrate who is quite competent to address the grievances of the petitioner.

There is no substance in the petition. Accordingly, dismissed.

It is made clear that petitioner with respect to his grievances is at liberty to avail remedies as permissible by law.

(JAGMOHAN BANSAL)
JUDGE

23.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>