

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

CRM-M No.30126 of 2018
Date of decision: 16th January, 2023

Rattan Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arvind Thakur, Advocate for the petitioner.

Mr. Sanish Girdhar, Assistant Advocate General, Punjab
for the respondents/State.

MANJARI NEHRU KAUL, J.

Instant petition has been filed under Section 482 Cr.P.C. inter alia seeking issuance of directions to the official respondents to register a criminal case under Section 302 IPC along with other relevant provisions of law, against the private respondents for causing the death of son of the petitioner.

Learned counsel for the petitioner submits that the deceased, i.e. son of the petitioner, was a young man aged 23 years and in good health. On the fateful day, i.e. 10.07.2017, the deceased left his house for the shop where he was employed. During the course of the day, two boys i.e. private respondents No.6 and 7 came to the said shop and asked the deceased to accompany them. The deceased then accompanied them and on return to the shop, the deceased started feeling giddy. A cousin of the deceased then came and took the latter to

his house, where the condition of the deceased worsened. He was shifted to the hospital, however, he died at 6:00 p.m. on 10.07.2017.

Learned counsel for the petitioner has vehemently argued that since the petitioner suspected foul play, an application dated 13.07.2017 (Annexure P-2) was moved before the SHO concerned, despite the statement (Annexure P-3) of the shopkeeper, in whose shop the deceased was employed, clearly pointing to the involvement of respondents No.6 and 7 in the unnatural and suspicious death of his son. Learned counsel has contended that in their statements recorded (Annexure P-4 and P-5), respondents No.6 and 7 had strangely stated that the death of the deceased on 10.07.2017 at 6:00 p.m. was due to poisoning, even though no report qua the cause of death of the deceased had come till then.

Learned counsel for the petitioner has fervently urged that ever since 13.07.2017, the petitioner has been running from pillar to post seeking justice for his deceased son, who had been done to death by respondents No.6 and 7, however, the investigating agency had failed to investigate the case properly and also register a case of murder against the private respondents.

Per contra, learned State counsel while drawing the attention of this Court to the status report filed by way of affidavit of Gurvinder Pal Singh, PPS, DSP, Nangal, District Rupnagar, dated 24.05.2019, has submitted that subsequent to the complaints received from the petitioner, a thorough inquiry was carried out by respondent

No.3. During inquiry, it surfaced that the deceased had sprayed some insecticide on the wooden door of his house on the preceding day of his death. He felt uneasy when he went to work on 10.07.2017 and since he was not feeling well, he was taken to NFL Hospital, Nangal where he died during treatment. Learned State counsel further submitted that the post mortem report of the deceased revealed that he died due to consumption of Organophosphous Insecticide, which has a very pungent smell and could not have been forcibly administered to a person. Learned counsel, still further submits that in case it would have been a case of forcible administration of Organophosphous Insecticide, there would have been at least some marks of resistance or injury marks on the person of the deceased, which admittedly were not found on his person. It has also been submitted that the investigating agency had thoroughly interrogated respondents No.6 and 7 also and no incriminating evidence, much less their complicity in the death of the deceased had come to the fore, hence, thereafter, the complaints of the petitioner were consigned in the office vide Annexure R-1/T.

I have heard learned counsel for the parties and perused the relevant material on record.

No doubt, the inherent powers of this Court under Section 482 Cr.P.C. are wide, however, the said powers must be exercised sparingly and with a great deal of circumspection. Once the police have not found the commission of a cognizable offence, this Court cannot direct the registration of an FIR as investigation falls within the

exclusive domain of the investigating agency. However, in case the petitioner still has a grievance that the investigating agency did not carry out proper investigation in respect of the death of his son and an FIR for the offences alleged by him was not registered by the police, then the remedy available to the petitioner would be to approach the concerned Magistrate under the relevant provisions of Code of Criminal procedure instead of invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 16, 2023
rps

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