

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25365-2023
Decided on : 18.05.2023

Gurpreet Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. N.P.S.Mann, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed under Section 482 Cr.Pc for quashing of order dated 28.02.2023 (Annexure P-3) passed by SDJM, Ajnala vide which an application filed by the prosecution for further investigation of the case in hand, was dismissed. A prayer, therefore, has been made for issuance of directions to the investigating officer of Police Station Ajnala to conduct further investigation in case FIR No.129 dated 01.09.2016 registered under Sections 447, 427 and 34 IPC at P.S. Ajnala (now Raja Sansi) District Amritsar Rural.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner had filed a complaint against respondents No.2 and 3, Amandeep Singh and Kashmir Singh respectively, alleging therein, that both of them, armed with weapons had come to his land along with 8-10 unidentified persons on a tractor and thereafter tried to take forcible possession of her land. An inquiry was conducted by the police leading to the registration of FIR No.129 dated 01.09.2016 under Sections 447, 427, 34 IPC at Police Station Ajnala (now

Police Station Raja Sansi) District Amritsar Rural. On completion of investigation, the police presented challan against the accused persons on 11.10.2018. Charges were then framed against the accused-respondents on 25.10.2018. The complainant being not satisfied with the investigation carried out by the police, moved an application under Section 173(8) Cr.PC seeking directions for further investigation in the case in hand, which however, was dismissed vide order dated 28.02.2023 by SDJM, Ajnala.

3. Learned counsel has contended that the Court below had failed to appreciate that the investigating agency had carried out a cryptic investigation. Not only did the police fail to attach the relevant documents regarding the ownership of the land of the petitioner, which the accused persons were trying to forcibly take possession of, but the police had not even taken into custody the tractor, which was used by the accused, during the occurrence in question.

4. On a pointed query put to the learned counsel as to what was the stage of trial, he submitted that the prosecution evidence was underway after the charges had been framed on 25.10.2018.

5. Heard learned counsel and perused the relevant material available on record.

6. Other than bald allegations levelled qua a cryptic investigation carried out by the police, the application moved by the petitioner before the trial court is completely silent as to how and in what manner the investigation carried out by the police was faulty. The enquiry in the present case had been conducted by an officer of the rank of DSP, on an application moved by the complainant herself, and it was thereafter that the challan was presented. Still further, the challan in the case in hand was presented way back on 11.10.2018

and the application seeking further investigation was filed by the petitioner as recently as on 01.10.2022. The instant petition has been filed not only after 04 years of the presentation of the challan but that too when the trial is nearing conclusion as most of the prosecution witnesses stand examined. It is apparent that the petitioner has chosen to wake up from his slumber at a highly belated stage. Therefore, in the opinion of this Court, the impugned order cannot be faulted with.

7. As a sequel to the above discussion, this Court is not inclined to quash the impugned order. Accordingly, the present petition, being devoid of any merit, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

18.05.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No