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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38134-2023 (O&M)

Date of decision: 04.08.2023

Varisha

...Petitioner

VS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Arjun Atri, Advocate,
For the petitioner.

Ms. Svaneel Jaswal, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking, *inter alia*, directions to respondent No.2-Superintendent of Police, District Nuh to transfer investigation of FIR No. 236 dated 26.11.2022 registered under Sections 323 read with Section 506 and 34 IPC, Police Station Rozka Meo, District Nuh to some independent agency.

2. Petitioner solemnized marriage with respondent No.4-Vasim on 23.06.2019. After some time, respondents No.4 to 6 started torturing the petitioner. She was assaulted by her in laws. On 18.10.2022, villagers called for police help after hearing the noise of fight. After the departure of police, she was again beaten up. She was burnt by pouring inflammable acid solution on her. As per, MLR injury number 4 is Superficial Burn over chest region, which is clearly an acid attack.

3. Notice of motion.

4. On advance service of copy of petition, learned State counsel appears, accepts notice on behalf of the respondent-State of Haryana and opposes the petition.

5. Heard.

6. *Prima facie* this criminal case dispute essentially arises out of matrimonial dispute between petitioner and respondent-husband. Collateral proceedings are going on.

7. Be that as it may, learned State counsel on instructions from ASI Surrender submits that challan has already been prepared on 29.07.2023 and will be filed in due course.
8. Even otherwise, I am of the view that if petitioner has a grievance that FIR having been registered by the police, proper investigation has not been done, then her remedy is not to directly approach this Court but she ought to have first approached learned *Ilaqa*/Area Magistrate under Section 156 (3) Cr.P.C for redressal of her grievance. If such an application is made and Magistrate is, *prima facie*, satisfied, he can, in case FIR has already been registered, as is the instant case, pass appropriate orders under Section 156 (3) *ibid* to ensure proper investigation, which includes in his discretion, if he deems it necessary, recommending change of investigating officer. Reference may be had to Apex Court judgments in **Sakiri Vasu versus State of U.P and others¹** and **Sudhir Bhaskarrao Tambe versus Hemant Yashwant Dhage and others²** wherein it was observed that their Lordships have found in this country that the High Courts have been flooded with petitions praying either for registration of FIR or for a proper investigation.
9. In the premise, instant petition is disposed of with liberty to the petitioner to seek her appropriate remedy before learned Magistrate/Trial Court in case, if she has any grievance *qua* challan or otherwise.
10. Disposed of accordingly.
11. Pending application, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

04.08.2023

Vandana

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