

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25743-2019 (O&M)
Date of decision: 07.11.2023

Kanchan Kanodia
.....Petitioner

Versus

State of Haryana and Ors.
.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. R.S. Rai, Sr. Advocate
with Mr. Gautam Dutt, Advocate
and Mr. Padamkant Dwivedi, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Aman Bansal, Advocate
for respondents No.4 to 6.

VINOD S. BHARDWAJ J. (Oral)

CM-1403-CWP-2020

Prayer in this application is for impleading the applicants as
respondents No.4 to 6.

Heard.

For the reasons stated in the application, the same is
allowed and the applicants are ordered to be impleaded as respondents
No.4 to 6.

Amended Memo of Parties is taken on record.

CM-1480-CWP-2020

Prayer in this application is for impleading the applicants as
respondent No.7 and 8.

Heard.

For the reasons stated in the application, the same is allowed and the applicants are ordered to be impleaded as respondent No.7 and 8.

Amended Memo of Parties is taken on record.

CWP-25743-2019 (O&M)

The present petition has been filed seeking issuance of a writ in the nature of mandamus directing the official respondents to hand-over the investigation of FIR No.233 of 2019 dated 07.04.2019, registered under Sections 304-B, 498-A, 406, 201, 506, 120-B IPC (Section 302 IPC added later) at Police Station Camp Palwal, District Palwal, to the Central Bureau of Investigation or any other authority.

It has been noticed in the order dated 15.11.2022 that a cancellation had been filed by the investigating agency and the same has been accepted by the Chief Judicial Magistrate, Palwal vide order dated 04.02.2020. The case was adjourned so as to enable the counsel for the parties to seek instructions as regards the continuation of the present proceedings but once the enquiry had already been conducted and had attained finality and notwithstanding there was no challenge to the order passed by the Chief Judicial Magistrate, Palwal, accepting the cancellation report. The matter was taken up thereafter on 16.03.2023 and also on 03.08.2023. The abovesaid contention of acceptance of the cancellation report was reiterated in the said order.

Learned senior counsel for the petitioner still prays for some more time.

I find that the request is aimed only to delay the final determination of the present petition. There is no ground as to why the matter ought to be adjourned repeatedly only for the reasons that counsel for the petitioner has failed to seek instructions, when there is no material available on record to dispute the statement made.

Even though, the issue pertains to handing-over the transfer of the investigation of FIR, however, as the cancellation report has already been accepted by the Illaqa Magistrate against the petitioner, there being no challenge to the said order, I do not find any appropriate reason, at this juncture, to reopen the entire investigation and to transfer the same to CBI considering that the petitioner has failed to point out any illegality in the final report submitted by the investigating agency or raised any challenge to the report furnished under Section 173(8) Cr.P.C.

The present petition is accordingly dismissed, at this stage, with liberty to the petitioner to take recourse to the appropriate and alternative remedy, in accordance with law on account of the subsequent developments that have taken place in the case.

(VINOD S. BHARDWAJ)
JUDGE

07.11.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No