

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

**CRM-M-52867-2023(O&M)
Date of Decision:17.10.2023**

Omparkash YadavPetitioner
Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Mukesh Yadav, Advocate,
for the petitioner.

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

ARUN MONGA, J.(Oral)

Petition herein *inter alia* is under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') with a prayer to direct the respondents No.1 to 5 to conduct fair investigation by independent agency or by an officer not below the Rank of DSP out of District Mahendargarh in representation dated 06.10.2023 (Annexure P-3) and to take strict action against the respondents No.6 to 9 for lodging the false FIR No.166 dated 17.09.2023, under Sections 323, 427, 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station, City Kanina, (Annexure P-1).

2. Succinct facts first, as pleaded in the instant petition.

2.1. The respondent No.6 is running a shop in the village and the petitioner used to park his tractor in common chowk which belongs to the panchayat. Respondent No.6 himself encroached upon the chowk and

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threatened the petitioner to not park his tractor there.

2.2. On 10.09.2023, petitioner's son was reversing the tractor which was parked on panchayat's common land. Respondents No.6 to 9 armed with *lathis danda* attacked the petitioner and his son. The incident was recorded in CCTV. The respondent No.6 colluded with the investigating officer who has lodged false case against the petitioner.

3. Learned counsel for the petitioner contends that petitioner got medico legally examined and as per MLR the petitioner has also received injuries but the local police is not investigating the matter properly, the police neither took the CCTV footage nor statement of any local person was recorded. The investigating officer in this case with the only purpose to help the respondent No.6 got lodged false case against the petitioner and his son.

4. On advance service of the petition, learned State counsel appears and on instructions from police official, opposes the petition and states that investigation in FIR in question is at a very initial stage and the said petition has been filed prematurely.

5. Arguments heard.

6. In this case, FIR in question was registered on 17.09.2023 against the petitioner for commission of the offence punishable under Sections 323, 427, 506 read with Section 34 of IPC. I am in agreement with the submission of learned State counsel that investigation is still at a very nascent stage. Moreover, truth needs to be unveiled and the same is feasible only after the investigation is complete.

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7. Investigation is at very nascent stage. No grounds are made out to interfere merely on the basis of allegation made in the affidavit complaint filed with the petition. It is expected of the Investigating Agency to proceed further in a fair and impartial manner. As regards the information, the petitioner is relying on petition herein, he is at liberty to provide the same to Investigating Officer who shall look into it in accordance with law.

8. In the aforesaid premise, no grounds for interference, at this stage, is made out.

9. Disposed of accordingly.

10. Pending application(s), if any, shall also stand disposed of.

17.10.2023

Jyoti Thakur

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No