

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

119

CRM-M-54802-2023 (O&M)
Date of decision: 13.12.2023

‘J’**...Petitioner****Versus****U.T. of Chandigarh and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Maneesh Kumar Bali, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, APP, U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Cr.P.C. by the petitioner seeking issuance of directions to the official respondents to proceed further in case bearing FIR No. 0098 dated 21.04.2023, registered under Section 376 IPC at Police Station Sector 36, Chandigarh and to arrest respondent No. 7 and to conduct a fair and impartial enquiry in the matter.

2. Learned State counsel has submitted that the investigation has completed in the case and challan has been presented before the concerned Court and hearing of the case is fixed for 15.12.2023.

3. Learned counsel for the petitioner, at this stage, has pointed out that respondent No. 7 has not been arrested by the official respondents and the challan has been presented without effecting his arrest and has stressed that the procedure so adopted is illegal. There cannot be stated to be any force in the aforesaid argument of learned counsel for the petitioner as the police can very well investigate and submit the chargesheet without arresting an accused and

Neutral Citation No. 2023:PHHC:159339

without producing him before the Court in custody. Even the Courts cannot return chargesheet on that account. Reference in this regard can be made to ***Court on its own motion vs. Central Bureau of Investigation, 2006 (4) RCR (Criminal) 206***, wherein it was observed so.

4. So far as the prayer made by the petitioner for directing the official respondents to conduct a fair and impartial investigation in the matter is concerned, the same has become infructuous in view of the fact that investigation has completed and challan has been presented in the Court.

5. Further no direction whatsoever can be issued by this Court to the official respondents to arrest the accused and it is for the Illaqua Magistrate/trial Court to ensure the presence of the accused either by way of issuance of warrants of arrest or otherwise. As such, it is explicit that the instant petition is not maintainable, the main relief claimed in the same having been rendered infructuous and further due to reason that no direction for arresting the accused/respondent No. 7 can be issued by this Court. Accordingly, finding no ground to proceed further, the petition is dismissed.

13.12.2023
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

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Whether speaking/reasoned

Yes/No

Whether reportable

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