

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62975-2023
Date of decision: 15.12.2023

AARTI KUMARI

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. D. S. Nigha, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for directing respondents No.1 to 3 to conduct fair investigation in FIR No.210 dated 23.10.2023, under Sections 408 and 120-B of the IPC, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, Punjab and to conduct investigation from higher police officials or independent agency.

2. Learned counsel for the petitioner submitted that the petitioner is a lady and her husband is involved in other cases but the police as well as the private respondents, at whose instance the FIR was lodged against the husband of the petitioner are unnecessarily harassing the petitioner. He submitted that the petitioner has also given a representation dated 28.11.2023 (Annexure P-2) to respondent No.2-Senior Superintendent of Police, District Fatehgarh Sahib, but no action has been taken in this regard.

3. Mr. Ramdeep Partap Singh, Senior DAG, Punjab on instructions from the concerned Investigating Officer submitted that in fact it is a case where the petitioner is already on anticipatory bail and she has already joined the investigation. He further submitted that there is no prayer in the present petition for seeking protection from the private respondents but is only for seeking fair investigation and in that case, the petitioner always has an alternative remedy to file an appropriate application before the learned Illaqa Magistrate in this regard.

4. I have heard the learned counsel for the parties.

5. It has been so stated by the learned counsel for the petitioner that vide Annexure P-2 dated 28.11.2023, a representation was given to respondent No.2-Senior Superintendent of Police, District Fatehgarh Sahib, but no action has been taken till date. Reference in this regard can be made to para No.6 of the present petition, which is reproduced as under:-

*“6. That that petitioner sent a representation to the respondent No.2 by narrating the entire matter to conduct the fair investigation of the above FIR and to stop unnecessary harassment, but no action was taken till date. Copy of the representation dated 28.11.2023 is annexed herewith as **Annexure P-2.**”*

6. However, there is nothing on the record to show that such a representation was given to the respondent No.2-Senior Superintendent of Police, District Fatehgarh Sahib either by way of an e-mail or registered post or any other method whatsoever. It appears that the petitioner has straightaway rushed to this Court at the drop of a hat. Such kind of practice of straightaway

approaching the High Court without filing any representation to the appropriate authority is deprecated. A perusal of the petition would also show that there is no specific prayer for seeking any protection. The only prayer is for seeking fair investigation. For the aforesaid prayer for seeking appropriate directions for fair investigation, the petitioner always has a right for filing any appropriate application before the learned Illaqa Magistrate. In case the petitioner has a specific grievance pertaining to threat to her life, then she may also make appropriate application before concerned SSP in accordance with law.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

15.12.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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