

Sr. No.163+284

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

**CRM-M-3101-2024 (O&M)
Date of decision: 26th February, 2024**

RITU**Petitioner**

versus

STATE OF HARYANA**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Paramjit Batta, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition is for setting aside the order dated 24.11.2023 (Annexure P-1), whereby, no stay has been granted against the proceedings during the pendency of the revision petition filed by the petitioner challenging the order passed by the learned Judicial Magistrate First Class, Chandigarh dated 02.11.2023, whereby the application moved by the petitioner under Section 173(8) read with Section 156(3) Cr.P.C. seeking direction to the SHO for further investigation in FIR No.13 dated 20.01.2006, under Sections 498-A, 406, 323, 341 IPC, has been dismissed.
2. Learned counsel for the petitioner contends that an application was filed before the trial Court seeking directions for conducting further investigation in the FIR. However, the said application has been dismissed and the revision petition filed by the petitioner before the Additional Sessions Judge, Chandigarh would become infructuous since the trial Court is recording the evidence as no stay has been granted by the Additional Sessions Judge while passing the impugned order dated 24.11.2023.
3. Learned State counsel has informed that challan/final report under Section 173 Cr.P.C. was presented before the trial Court on 31.07.2006 and thereafter, 07 prosecution witnesses have already been examined.

4. I have considered the aforesaid contentions.
5. A perusal of the paper book reveals that as per the impugned order, an application was moved by the complainant seeking directions for conducting further investigation in the FIR. The accused has taken an objection that the application has been filed just to delay the proceedings. The FIR was registered in the year 2006 and more than 17 years have passed but the complainant has never brought to the notice of this Court that further investigation is required. The trial Court has dismissed the application by observing the fact that the trial commenced in the year 2006. Thereafter, the charges were framed and a period of more than 17 years has elapsed but the prosecution has failed to examine the witnesses. The trial Court further observed that the application has been filed just to delay the proceedings and the application is not maintainable since the order for further investigation is for pre-cognizance stage as well as post-cognizance stage but once the trial has commenced, the power cannot be exercised by the Magistrate.
6. The order passed by the trial Court was challenged by way of filing a revision petition. The said revision petition is still pending for today i.e. 26.02.2024 and no stay has been granted in the proceedings. However, no adverse order has been passed by the Additional Sessions Judge, Chandigarh at the time of declining the stay, as such, the present petition under Section 482 Cr.P.C. is not maintainable.
7. Keeping in view the aforesaid facts, the present petition is pre-mature and the same is accordingly dismissed.
8. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26th February, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No