

Sr.No.125

2024:PHHC:010944

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

CRM-M-3951-2024(O&M)

Date of decision:24.01.2024

Rizwana

.....Petitioner

Versus

State of Haryana and another

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Vinod Kumar, Advocate for
Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Harpreet Kaur Jeewan, J.(Oral)

1. Prayer in the present petition is for issuance of direction to official respondent No.2 to decide the representation dated 14.11.2022 (Annexure P-3) wherein prayer was made for conducting independent investigation in case FIR No.100 dated 20.03.2022 registered at Police Station Ferozepur Jhirka, District Nuh, under Sections 323, 406, 498-A, 506 read with Section 34 IPC (Annexure P-1) and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019. It was alleged that investigation has not been conducted fairly and real witnesses have not been made part of the challan dated 18.12.2022 (Annexure P-2).

2. Learned counsel for the petitioner contends that Khaleel Ahmed who was mediator in the Nikah has not been cited as witness. Khatija wife of Abdul Aziz and Hasina mother of the petitioner have been made witnesses but there is no question of recording of their statements under Section 161 Cr.P.C by the investigating officer.

3. Learned State counsel has confirmed the fact that FIR was registered at the instance of the complaint given by the petitioner. He further contends that investigation is complete and final report under Section 173 Cr.P.C had been presented before the Trial Court on 03.01.2024.

4. The investigation is complete. The challan has already been presented. The petitioner has alternate and efficacious remedy to approach the Trial Court to summon the additional witnesses under Section 311 Cr.P.C as well as the petitioner has a remedy to file a criminal complaint under Section 200 Cr.P.C. In such circumstances, it is not a fit case to exercise the jurisdiction under Section 482 Cr.P.C where alternate and efficacious remedy is available with the petitioner. Consequently, the present petition is disposed of with liberty to the petitioner to avail alternate remedy.

24th January, 2024
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No