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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17657-2024 (O&M)
Date of decision: 09.04.2024

Daljinder Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhupinder Singh Kundra, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking issuance of direction to the respondents to conduct fair and just investigation on the application dated 06.03.2024 (Annexure P-1) submitted by the petitioner.
2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner got married to one Barjinder Singh on 15.01.2023. At the time of marriage, her parents gave sufficient articles in dowry in accordance to their status and financial capacity. Rs.8.00 lacs were spent on hosting the marriage feast. Thereafter, her husband, father-in-law and mother-in-law started harassing the petitioner on account of demand of more dowry and members

of her in-law's family have subjected her to cruelty. It is further contended that the petitioner was tortured constantly for not being dutiful and thereafter, she made a complaint on 06.03.2024 before the Senior Superintendent of Police, Patiala, however, no action has been taken. The police authorities are not investigating the complaint made by the petitioner in a fair and transparent manner and their partisan conduct compelled the petitioner to approach this Court.

3. Having heard learned counsel for the petitioner and after perusing the record with his able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner.

4. The petitioner has impleaded SHO, Incharge, Women Cell, Patiala as respondent No.3 but it is not discernible whether any inquiry is pending qua the allegations levied by the petitioner. A Constitution Bench of the Hon'ble Supreme Court in ***Lalita Kumari Vs. Govt. of U.P. and others, 2013 (4) RCR (Crl.) 979*** has issued detailed guidelines directing a preliminary inquiry to be conducted in matrimonial disputes to ascertain commission of a cognizable offence before registering an FIR for commission of offences punishable under Sections 498-A & 406 of IPC.

5. Moreover, perusal of the complaint(Annexure P-1) clearly indicates that the petitioner has invoked the provisions of Section 154 Cr.P.C. and directly approached the Senior Superintendent of Police, Patiala under Section 154 (3) Cr.P.C. The High Courts, while exercising its inherent powers under Section 482 Cr.P.C., can issue directions for prompt and

proper investigation, however, it would be out of bounds to instruct the investigation to be completed in a certain time frame, in alignment with the opinion expressed by it. The Courts must be conscious of its influence and not exercise the same in an unwarranted fashion as it may prejudice the conclusion of the investigating agency, straying further away from achieving the overarching goal of justice.

6. The petitioner is not able to answer the query raised by this Court as to why this Court has been approached directly instead of approaching the concerned jurisdictional Court by filing an appropriate application under Section 156(3) Cr.P.C. The jurisdictional Magistrate is well equipped to deal with such type of matters.

7. In view of the facts and circumstances of the case, this Court is not inclined to issue any such directions. Accordingly, the present petition is dismissed being bereft of any merit.

09.04.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No