

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

247

CRM-M-22383-2020

Date of decision : 23.04.2024

KAMLA DEVI

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI.J. (ORAL)

1. Though instant petition, prayer has been filed under Section 482 Cr.P.C. for issuance of direction to respondent No.2 to transfer the investigation in FIR No. 90 dated 23.03.2020, under Section 302 of IPC, registered at Police Station City Salhawas, District Jhajjar.
2. The grievance of the petitioner is that his son was murdered, and no fair and impartial investigation has been carried out by the respondent.
3. During pendency of the instant petition, reply by way of affidavit dated 07.01.2023 has been filed. As per the additional reply, the investigating agency found that it is a case of road side accident and, therefore, proposed to file an untrace report which has already been prepared way back on dated 10.08.2021.
4. At this stage, learned counsel for the petitioner submits that since August, 2021, the said untraced report is lying with the Investigation Officer, concerned, and has not been submitted with the learned Illaqa/Magistrate

concerned and which is in-fact, affecting the right of the complainant to take appropriate steps against the untraced report.

3. This Court is unable to comprehend the delay caused in filing of the said untraced report before the learned Illaqa/Magistrate concerned, once it has been prepared way back in August 2021, therefore, a mandamus is passed upon respondent No.2, to ensure that in case the untraced report has been approved by the competent authority, the same shall forthwith file the same before the Illaqa/Magistrate concerned, and in case the said report has not been approved by the competent authority, than the mandamus is passed upon the competent authority to take final decision on the said untraced report within 15 days from today.

4. In view of the above, the instant petition is **disposed of** with the above said direction, with the liberty to the petitioner to re-access this Court, in case any grievance of the petitioner exists.

23.04.2024
monika

(KULDEEP TIWARI)
JUDGE

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