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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34707-2024 (O&M)
Date of decision: 22.07.2024

Mxxx

... Petitioner

Vs.

U.T. Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Malik, Advocate
for the petitioner.

Mr. Rajeev Anand, Addl. PP, U.T. Chandigarh.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. seeking transfer of investigation in case FIR No.9 dated 06.02.2024 under Sections 354, 354-B, 376, 509, 511, 120-B of IPC, registered at Police Station Maloya, U.T. Chandigarh, to some other independent investigating agency or to some panel comprising of higher rank officers.
2. Learned counsel for the petitioner, *inter alia*, contends that at the time of registration of FIR (*supra*), the petitioner was residing in House

No.96(793), Maloya, U.T. Chandigarh alongwith her husband, her six daughters and her brother-in-law/respondent No.4 and her mother-in-law/respondent No.5. After death of her husband, brother-in-law of the petitioner started harassing her and also tried to rape her. When the petitioner objected to his conduct, her mother-in-law also favoured the act of her brother-in-law. He further contends that more than five months have been passed after registration of FIR (*supra*) and the investigating agency is not investigating the case properly and they have failed to perform their statutory duty. Till date, final report under Section 173 Cr.P.C. has not been presented in the Court. The petitioner submitted a detailed representation dated 17.05.2024 (Annexure P-2) to Senior Superintendent of Police, Chandigarh, but till date, no action has been taken thereon and as such, having left with no other option, the petitioner has approached this Court by filing the present petition.

3. Learned Addl. Public Prosecutor, on instructions from SI Mohan Kashyap, submits that present petition has been rendered infructuous, as the investigating agency has conducted the investigation and verified the veracity of the allegations made by the petitioner and after completion of the investigation, cancellation report has been prepared, which is likely to be presented before the concerned jurisdictional Magistrate.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no ground to

interfere in the matter.

5. Keeping in view the facts and circumstances of the case, present petition is dismissed.

6. However, the petitioner would be at liberty to avail the alternative remedy as available to her to contest the findings of the investigating agency before the jurisdictional Magistrate, in accordance with law.

22.07.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No