



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

**CRM-M-37255-2024
Date of Decision: 05.08.2024**

SUKHJINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kamaldeep Kumar, Advocate
for the Petitioner.

SANDEEP MOUDGIL, J.

1. The jurisdiction of this court has been invoked under section 482 Cr.P.C. for directing the respondents to conduct fair, impartial and independent reinvestigation in FIR No. 163 dated 21.11.2023 under section 420, 120-B IPC registered at Amargarh, District Malerkotla as name of respondent No.6 – Ranjit Kaur Savi is neither found added either as accused nor she is prosecuted in the case, in view of the preliminary enquiry report, Annexure P-2.

2. For brevity, facts of the case unfolds The petitioner, who is the complainant in the FIR, has alleged in his complaint that on a complaint made by him with respect to cheating and fraud against Damanpreet Kaur daughter of Arijit Singh (now at Canada) and Arijit Singh, whereupon, on the basis of order dated 25.09.2023 passed by S.S.P. Sahib, Malerkotla, FIR No.163 dated 21.11.2023 under Section 420, 120-B IPC was lodged at Police Station



Amargarh and during the course of investigation, the matter was compromised by the respectable persons for Rs.10,00,000/- and gold and silver ornaments and this compromise was affected orally in the office of Superintendent of Police (Local) Malerkotla and in view of the said compromise, his complaint was ordered to be consigned to records. Now, the accused Arjit Singh has refused to make payment of Rs.10,00,000/- and is openly extending threats. As such, the complainant has made another complaint to the Senior Superintendent of Police, Malerkotla, to get conducted the enquiry of his earlier complaint again for providing him justice.

3. Learned counsel for the petitioner contends that the respondents No.4 to 6 have looted the petitioner on the pretext of sending the respondent No.4 abroad to Canada, who had performed marriage with the petitioner's son – Akashdeep Singh in the month of January, 2021, but on reaching Canada, behaviour of respondent No.4 – Damanpreet Kaur was totally changed. The petitioner spent all the money alone from the date of fixing marriage to the leaving of Damanpreet Kaur to Canada from India and in this way, a total of Rs.37,90,000/- has been incurred by the petitioner on respondent No.4 for taking her abroad as they were acting with pre-meditated mind to loot the money of the petitioner. The Senior Superintendent of Police Malerkotla on finding a prima facie case against respondents No.4 to 6 had ordered registration of FIR after getting conducted preliminary enquiry from Deputy Superintendent of Police (HQ). The police officials are now investigating the matter in a biased manner because they have deleted the name of the mother of respondent No.4 from the list of accused persons in the FIR and other accused persons are also not being asked to join investigations. Therefore, official



respondents are required to be directed to conduct the investigations of FIR, Annexure P-1, seriously and in a proper manner.

4. Heard the counsel for the petitioner.

5. When an aggrieved person approaches the court in a petition under Section 482 Cr.P.C., then the court is possessed with enormous powers to do justice or remove injustice. The Court's vast powers are meant to prevent any abuse of the process or to secure the ends of justice. These powers must be exercised for the advancement of justice. Ends of justice are always higher than the ends of mere law and for accomplishing that noble goal the courts have rightly been invested with adequate powers. While saying so at the same time it has to be kept in mind that though the powers possessed by the High Court are extremely wide but the very plentitude of the power requires the court to function with greater caution and circumspection in the exercise of those powers.

6. In other words, the power under Section 482 Cr.P.C., is to be exercised, *ex debito justitiae*, i.e to do real and substantial justice While exercising powers under Section 482, High Court cannot interfere with the manner of investigation of a case or direct the investigating agency to investigate from a particular angle or to arrest the accused. The same was observed by the Apex Court in ***"M.C. Abraham and Another vs State of Maharashtra and Others"* (2003) 2 SCC 649**, wherein it has further gone to the extent of saying that investigating agency is the master of investigation and is at liberty to proceed in its desired direction being free from any interference.

7. Further the Apex Court in ***"P. Chidambaram v Directorate of Enforcement"* 2019 (4) R.C.R. (Criminal) 875** observed the following:



“63. Investigation into crimes is the prerogative of the police and excepting in rare cases, the judiciary should keep out all the areas of investigation. In “State of Bihar and another v. P.P. Sharma, IAS” and another 1992 Supp. (1) 222, it was held that “The investigating officer is an arm of the law and plays a pivotal role in the dispensation of criminal justice and maintenance of law and order.Enough power is therefore given to the police officer in the area of investigating process and granting them the court latitude to exercise its discretionary power to make a successful investigation...”. In “ Dukhishyam Benupani, Asstt. Director, Enforcement Directorate (FERA) v. Arun Kumar Bajoria” (1998) 1 SCC 52, this Court held that “.....it is not the function of the court to monitor investigation processes so long as such investigation does not transgress any provision of law. It must be left to the investigating agency to decide the venue, the timings and the questions and the manner of putting such questions to persons involved in such offences. A blanket order fully insulating a person from arrest would make his interrogation a mere ritual.”

64. As held by the Supreme Court in a catena of judgments that there is a well-defined and demarcated function in the field of investigation and its subsequent adjudication. It is not the function of the court to monitor the investigation process so long as the investigation does not violate any provision of law. It must be left to the discretion of the investigating agency to decide the course of investigation. If the court is to interfere in each and every stage of the investigation and the interrogation of the accused, it would affect the normal course of investigation. It must be left to the investigating agency to proceed in its own manner in interrogation of the accused, nature of questions put to him and the manner of interrogation of the accused.

65. It is one thing to say that if the power of investigation has been exercised by an investigating officer mala fide or non-compliance of the provisions of the Criminal Procedure Code in the conduct of the investigation, it is open to the court to quash the proceedings



where there is a clear case of abuse of power. It is a different matter that the High Court in exercise of its inherent power under Section 482 Cr.P.C., the court can always issue appropriate direction at the instance of an aggrieved person if the High Court is convinced that the power of investigation has been exercised by the investigating officer mala fide and not in accordance with the provisions of the Criminal Procedure Code. However, as pointed out earlier that power is to be exercised in rare cases where there is a clear abuse of power and non-compliance of the provisions falling under ChapterXII of the Code of Criminal Procedure requiring the interference of the High Court. In the initial stages of investigation where the court is considering the question of grant of regular bail or pre-arrest bail, it is not for the court to enter into the demarcated function of the investigation and collection of evidence/materials for establishing the offence and interrogation of the accused and the witnesses.”

8. Court should be extremely cautious and slow to interfere with the investigation of criminal cases and should rather keep its hands off and allow the investigating agency to complete the investigation without any fetter. Further, unless case of gross abuse of power is made out against those in charge of investigation, the court should be loath to interfere a any stage of investigation.

9. Considering the facts and above stated discussion, this court is of the considered opinion that the court while exercising its inherent powers should not unnecessarily intervene in the working of the investigating agency only to hush up the process. Meaning thereby, is not open to this Court to exercise its inherent powers and extra ordinary jurisdiction under Section 482 Cr.P.C., to unsettle the investigating agency at this stage by no stretch of imagination.

10. In view of above, the present petition being devoid of any merit, is dismissed.

05.08.2024
anuradha

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No