



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1

CRM-M-56441-2018

Date of Decision : May 10, 2024

SHASHI KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

2

CRM-M-59958-2023

SHASHI KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.K.Garg Narwana, Sr. Advocate assisted by
Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioner(s).
Mr. Bhupender Singh, DAG, Haryana.
Mr. Anmol Partap Singh Mann, Advocate
for respondents No. 5 to 8 in CRM-M-56441-2018.
Mr. Akashdeep Singh, Sr. Public Prosecutor
for respondent No.9-CBI.

KULDEEP TIWARI, J. (Oral)

1. Both the instant petitions are taken up together for decision
as the issue involve in the petitions is the same.

2. Through the instant petitions, prayer is made for quashing of
order dated 4.12.2018 (Annexure P-5) passed by IG, Hisar, whereby, FIR
No.0557 dated 16.6.2018, under Sections 420, 467, 468, 471 IPC,
registered at Police Station Hisar City, District Hisar has been ordered to

**CRM-M-56441-2018****-2-**

be transferred to Uttarakhand illegally, arbitrarily and against the provisions of law.

3. Learned Senior counsel for the petitioner *inter-alia* submits that such an order is without any strength of legal procedure, therefore, needs to be interfered with by this Court in exercise of powers as envisaged under Section 482 Cr.P.C. He further submits that the investigation of FIR (supra), has never been transferred to the IG for the latter to conclude that the Police Station City, Hisar, has no territorial jurisdiction.

4. Primarily, the submission made by the learned Senior counsel appears to be correct. However, this petition is pending since the year 2018 and during interregnum period, as reflected from the latest affidavit dated 4.5.2024, it transpired that the investigation was carried out by the IO(s) concerned, and they have concluded that the territorial jurisdiction of FIR (supra), is with the Police Station at Haldwani, Nainital (Uttarakhand) and proceeded to file an untraced report before the learned Illaqa Magistrate concerned on 29.4.2024.

5. Today, the learned Senior counsel for the petitioner has also filed a short affidavit of the petitioner alongwith final report, the same is taken on record.

6. Upon perusal of the final report, reflects that after the investigation, the IO(s) independently concluded that the territorial jurisdiction to investigate the instant FIR, is only with the Police Station at Haldwani, Nainital, Uttarakhand, though there is a reference to the



CRM-M-56441-2018

-3-

impugned order (supra), passed by the IG concerned, however, that would not be sufficient reason for this Court to interfere in the opinion recorded by the IO concerned. Since the cancellation report has been filed before the learned Illaqa Magistrate concerned and also the investigation in the main FIR, has been transferred to the territorial jurisdiction of Haldwani, Nainital, therefore, this Court is not inclined to pass any further order and the instant petition is **closed**, however, with liberty to the petitioner to raise his grievance before the learned Illaqa Magistrate concerned, where the cancellation report has been filed. So far as the legality of the order (supra), passed by the IG concerned, is concerned, since much water has flown, this Court refrains to pass any observation with regard to the same. In case petitioner(s) file any motion against the cancellation report (supra), the Illaqa Magistrate concerned shall be at liberty to decide the jurisdictional issue.

7. **Disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

May 10, 2024
ajay-1

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No