



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

237

CRM-M-4112-2024  
Date of decision: September 20<sup>th</sup>, 2024

Abraham John  
.....Petitioner  
  
Versus  
State of Punjab and others  
.....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Petitioner-Abraham John in person.  
  
Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

**MANJARI NEHRU KAUL, J.**

Petitioner is seeking issuance of appropriate directions for investigation by an IPS Officer in case FIR No.42 dated 02.05.2023 under Sections 302/376/120-B of the IPC registered at Police Station Raja Sansi, Amritsar, and for verification of Post Mortem Report by PGI, under senior doctor panel and victim compensation scheme under Section 357-A.

2. The petitioner, who has appeared in person, has primarily argued that the police, in active connivance with the accused, have intentionally protected the perpetrators responsible for the rape and brutal murder of the deceased. It has been further submitted that, since the registration of the FIR, the police have made no significant efforts to advance the investigation, thereby causing undue delay and stagnation in the trial. In view of this, the petitioner has prayed for this Court to issue appropriate directions to senior police officials of the rank of IPS to conduct a thorough and impartial investigation in the matter.

**CRM-M-4112-2024****-2-**

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the petitioner, has vehemently contested the maintainability of the present petition. The learned State counsel has raised a preliminary objection, while asserting that the petitioner has no *locus* to file this petition. It has been further submitted that the petitioner has filed this petition in his own name and not as an authorized representative of the complainant, David Singh, who is the brother of the deceased. Furthermore, it has been pointed out that significant progress has already been made since the filing of the instant petition. The investigation has been completed, charge-sheet has been filed and the accused have been formally charged with the offences alleged against them. Furthermore, it has been brought to the notice of this Court by the learned State counsel that the trial is presently in progress, with the evidence of the prosecution being recorded. In the light of these developments, the learned State counsel has asserted that the present petition is bereft of any merit and deserves to be dismissed.

4. I have heard the petitioner, the learned State counsel and perused the relevant material on record.

5. On a pointed query put to the petitioner, as to how the instant petition was maintainable, he has claimed that he has been authorized by the complainant, David Singh, to pursue this matter. However, he has been unable to produce any power of attorney or any other document to substantiate this assertion. When further questioned about his *locus standi* to file the petition in his personal capacity, particularly when he was neither the complainant nor in any manner

**CRM-M-4112-2024****-3-**

connected to the deceased, the petitioner responded by stating that he was a concerned member of the community and, therefore, believed he had the right to file the instant petition.

6. Upon due consideration, this Court finds that the petitioner has failed to establish his *locus standi* to file the instant petition. The petitioner has persistently asserted that he was authorised by the complainant to file the instant petition on his behalf. However, a scrutiny of the memo of parties reveals a glaring inconsistency; the petitioner has filed the present petition solely in his personal capacity, with no mention whatsoever of holding a power of attorney for the complainant. This omission raises serious doubts about the veracity of his claim. His inability to furnish appropriate authorization from the complainant significantly undermines his position. Moreover, it is a matter of record, that the investigation has progressed, the accused have been formally charged, and the trial is underway with the evidence of the prosecution being recorded before the trial Court. Given these facts, no ground is made out for issuance of directions as prayed for.

7. It would not be out of place to note that even during the course of a trial, if it comes to the notice of the trial Court that certain individuals, apart from those brought to trial, and already charged, may also be involved in the commission of a crime, there is nothing which precludes the trial Court from resorting to appropriate proceedings against such persons, under the law.

8. As a sequel to the above, this Court does not find any ground for issuance of directions as prayed for.



**CRM-M-4112-2024**

9. The instant petition stands dismissed.

**September 20<sup>th</sup>, 2024**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : No