



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

CWP-18570-2024

Date of Decision : **17.03.2025**

RAMESH MEHTA AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Umesh Aggarwal, Advocate,
for the petitioners.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Sunil Chadha, Sr. Advocate with
Ms. Devyani Sharma, Advocate,
for respondents no.5 to 7.

KULDEEP TIWARI, J.(Oral)

1. At the behest of the present petitioners, who also the complainant, an FIR No.93, dated 02.05.2023, has been registered under Sections 420, 467, 468, 471 of the IPC, at Police Station Civil Line, Amritsar, have approached this Court through the instant writ petition filed under Article 226/227 of the Constitution of India, for quashing of office order/letter dated 18.07.2024 (Annexure P-3), whereby, the Commissioner of Police, Amritsar (respondent no.3), has transferred the investigation to the Additional Deputy Commissioner of Police, City-II, Amritsar.

2. The grievance which has been encapsulated through the instant petition is that, time and again the police authority concerned, are

either conducting a parallel inquiry, or the investigating officer being changed one after another, either on the asking of the complainant, or on a representation made by the accused person concerned. The instant dispute is stated to be amongst close relatives.

3. Today, a short reply dated 27.10.2024, by way of an affidavit of Sh.Maninder Pal Singh, ACP, North Amritsaar (Additional Charge), has been filed in Court, on behalf of respondents no.1 to 4, which is ordered to be taken on record, with a copy thereof, supplied to learned counsel opposite. In the said reply, the factum of change of investigating office is not denied. Now the apprehension which is raised before this Court that, the private respondents may by exercising influence, in case present investigating officer reaches a conclusion, finding them to be guilty of any offence, further an attempt may be made for change of investigating officer.

4. Learned counsel for the petitioners submits that the petitioners would be satisfied, at this stage, in case the investigation in the instant matter may be handed over to a Special Investigating Team (SIT).

5. Without going into the veracity of the allegations, as alleged, however, to maintain the transparency and impartiality in the ongoing investigation, with the concurrence of private respondents no.5 to 7, this Court deems it fit and appropriate to pass a *mandamus* upon the Director, Bureau of Investigation, to constitute an SIT, headed by an officer of a rank of an IPS, for carrying out investigation in the FIR (*supra*).

6. Further, the SIT so constituted, shall conclude its investigation within a period of 04 months thereafter, and submits its report before the learned *Illaqa* Magistrate Concerned.

7. Since the instant order for constituting the SIT is being passed with the consensus of the parties concerned, therefore, this Court deems appropriate to pass a further direction upon the Director, Bureau of Investigation, not to change the SIT without the prior permission of this Court.

8. Needless to say, that the SIT, so constituted shall conduct fair and transparent investigation, as per law.

9. **Disposed of** accordingly.

March 17, 2025
dhaaramvir

(KULDEEP TIWARI)
JUDGE

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