



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

CRM-M-61393-2023

Reserved on : 28.01.2025

Pronounced on : 31.01.2025

Police Officers Multi-state Co-operative Housing Society Ltd.

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by : Mr. R.S. Rai, Sr. Advocate with
Mr. Deepkaran Dalal, Advocate,
Mr. Yoginder Rana, Advocate,
Ms. Rubina Virmani, Advocate and
Ms. Prachi Gupta, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

Mr. Rakesh Nehra, Sr. Advocate with
Mr. Ankit Yadav, Advocate,
Mr. Chirag Kundu, Advocate,
Mr. Arjun Singh, Advocate and
Mr. Devesh Nehra, Advocate for respondent No.3.

MANJARI NEHRU KAUL, J.

1. The petitioner-complainant has approached this Court under Section 482 of the Cr.P.C., seeking transfer of investigation of FIR No.189 dated 21.05.2020 under Sections 406, 420, 384, 120-B of the IPC, registered at Police Station Dabua, District Faridabad, from respondent No.2 (investigating agency), to an independent agency.

2. The primary grievance of the petitioner is that the investigation is proceeding at an unreasonably slow pace and lacks transparency. It has also been alleged that despite the active



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involvement of respondent No.3 in the commission of the alleged crime, no incriminating material has been recovered from him, which as per the petitioner, raises serious doubts about the impartiality and effectiveness of the investigation. It has been further asserted by the learned senior counsel for the petitioner that respondent No.2 has failed in its statutory duty to conduct a proper investigation and that its approach appears to be cryptic, casual and non-committal. It has been, therefore, prayed by the learned senior counsel that under such circumstances, this Court, in the exercise of its inherent jurisdiction, must intervene to ensure that justice is not defeated by an ineffective or compromised investigation.

3. On the other hand, learned counsel for the State has vehemently opposed the submissions made by learned senior counsel for the petitioner. It has been contended that the investigation is being carried out in accordance with due process and settled principles of law. It is submitted that merely because the petitioner is dissatisfied with the progress or outcome of the investigation does not provide a valid ground for judicial interference. It has also been asserted that no concrete material has been placed on record by the petitioner to demonstrate that the investigation is biased, tainted, or influenced in any manner warranting its transfer to an independent agency.

4. This Court has carefully considered the submissions advanced by both the parties and gone through the material on record.

5. At the outset, it is imperative to acknowledge that this Court, in the exercise of its inherent jurisdiction under Section 482 of

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the Cr.P.C., no doubt possesses wide ranging powers, however, it is equally well settled that such powers must be exercised with due caution, restraint, and only in exceptional circumstances where gross illegality, bias, or manifest injustice is evident. The power to transfer an investigation from one agency to another is an extraordinary remedy that can be invoked only in exceptional and compelling circumstances where it is conclusively established that the investigation is not being conducted in a fair, impartial and independent manner. The mere perception of unfairness or the petitioner's dissatisfaction with the manner in which the investigation is progressing does not, in itself, justify judicial interference. Hon'ble the Supreme Court has consistently held that Courts should refrain from interfering in the investigation unless there are compelling reasons to do so. The investigating agency is under a statutory duty to conduct a fair and impartial investigation, and judicial intervention should be warranted only where there is clear and cogent evidence that the probe is tainted with malafides or arbitrariness. A routine transfer of investigations merely based on allegations of dissatisfaction would set an undesirable precedent and would undermine the authority and autonomy of the investigating agencies.

6. In the instant case, the petitioner has not provided any substantial or prima facie evidence to show that the investigation is being conducted in a manner which is contrary to the principles of fair play and justice. There is nothing on record to suggest that respondent No.2 is acting in a manner that would warrant interference of this Court

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or justify the transfer of investigation to an independent agency. The allegations made by the petitioner, in the absence of credible supporting material, remain unsubstantiated and speculative.

7. In case at the conclusion of the investigation, the petitioner remains dissatisfied, there are appropriate legal remedies available to him under the provisions of law. However, at this stage no valid ground has been made out to justify the intervention of this Court in the ongoing investigation.

8. In the facts and circumstances as enumerated hereinabove, this Court finds no merit in the instant petition, which stands dismissed accordingly.

31.01.2025

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No