



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

CRM-M-24929-2023

Reserved on:-28.04.2026

Pronounced on:-30.04.2026

Uploaded on:- 30.04.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

GURPREET KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ORS.

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. NPS Mann, Advocate
for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab
for respondents No.1, 5 and 6- State.

Mr. Yajur Sharma, Advocate
for respondents No. 2 to 4.

MANDEEP PANNU, J.

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of the order dated 28.02.2023 (Annexure P-3) passed by the learned Sub-Divisional Judicial Magistrate, Ajnala, whereby the application filed by the prosecution for further investigation in the present case has been dismissed. A further prayer has been made for issuance of necessary directions to the Investigating Officer of Police Station Ajnala (now Raja Sansi), District Amritsar Rural, to conduct further investigation in case FIR No. 61 dated 16.04.2017,



registered under Section 379 IPC at Police Station Ajnala (now Raja Sansi), District Amritsar Rural.

2. In the above-said case, an application for further investigation/re-investigation of the present case was filed by the complainant, wherein it was *inter alia* submitted that the case was pending before the Court and the challan had earlier been presented by the then DSP on 15.10.2018. It was alleged that the accused persons were influential and had close links with the police officials and that the challan was presented in haste without complying with the objections raised by the then APP, with an ulterior motive to extend benefit to the accused. It was further contended that as per the law laid down by the Hon'ble Supreme Court in ***State of Gujarat vs. Kishanbhai Etc., 2014(1) RCR (Criminal) 549*** the DSP was not authorized to present the challan before the Court without following due procedure. The complainant further alleged that the then DSP acted in connivance with the accused and proper investigation was not carried out, thereby causing prejudice to the case of the complainant. It was thus prayed that the police officials be directed to conduct further investigation/re-investigation in the matter and to present the challan only after proper scrutiny through the APP, so that the true facts could be brought on record and justice be done.

3. In response to the aforesaid application, a reply was filed on behalf of the accused persons taking preliminary objections that the present application is not legally maintainable. It was submitted that the challan had been presented after conducting proper and thorough investigation by the concerned Investigating Officer and the same was not filed in haste. It was



further contended that if any deficiency in the investigation was found, only the concerned Investigating Officer is competent to seek further investigation, and the complainant has no locus to move such an application. It was also alleged that the present application has been filed only to delay the proceedings and to waste the valuable time of the Court. On merits, the allegations of the accused being influential or having links with police officials were specifically denied, and it was also denied that the challan had been presented without complying with the objections of the learned APP or with any ulterior motive. It was reiterated that the investigation in the present case has already been conducted in a fair and proper manner and there is no requirement for any further investigation. Accordingly, dismissal of the application was prayed for.

4. The learned trial Court, vide order dated 28.02.2023, after considering the rival submissions and perusing the record, dismissed the application for further investigation/re-investigation by holding that the challan in the present case had already been presented after due and proper investigation conducted by the competent Investigating Officer, and even a detailed enquiry had been carried out by a senior officer prior to filing of the report. It was observed that the application had been moved after an inordinate delay of more than four years from the presentation of the challan and did not disclose any specific lacuna or deficiency in the investigation warranting further investigation. The Court further held that merely because the challan was forwarded through the DSP, the same would not vitiate the investigation or justify reinvestigation, especially when the application was silent on material particulars showing any illegality or unfairness in the



investigation. The trial Court also noted that one of the prosecution witnesses had already been examined and the present application appeared to have been filed only after cross-examination, thereby indicating an attempt to delay the proceedings. It was further held that the judgment relied upon by the complainant, i.e., ***Kishanbhai's case (supra)***, was not applicable to the facts of the present case, as proper enquiry had already been conducted herein. Consequently, the Court concluded that no grounds were made out for directing further investigation and dismissed the application.

5. Feeling aggrieved by the above-said order dated 28.02.2023 passed by the learned Sub-Divisional Judicial Magistrate, Ajnala, the present petition has been filed by the petitioner/complainant for setting aside the said order. It has been contended by the petitioner that the impugned order is wholly illegal, arbitrary and against the settled principles of law, as the learned trial Court failed to appreciate that there existed a clear lacuna in the investigation inasmuch as the challan had been presented directly in the Court by the Deputy Superintendent of Police, who was not competent to do so, without the same being scrutinized and forwarded by the prosecuting agency. It is further contended that as per the law laid down by the Hon'ble Supreme Court in ***Kishanbhai's case (supra)***, the challan is required to be presented before the Public Prosecutor, who is to apply an independent mind and ensure that all deficiencies in the investigation are rectified, even by seeking further investigation, if necessary. It has also been argued that the learned trial Court erred in holding that the said judgment was not applicable to the present case and failed to exercise jurisdiction vested in it to order further investigation despite the existence of material irregularities. The



petitioner has further contended that the investigating agency acted in connivance with the accused persons, who are influential, and deliberately did not produce crucial documents, including ownership documents of the land from where the alleged theft took place, nor was the vehicle/rehrī used in the commission of offence taken into custody. It is further submitted that the challan was intentionally presented in a hurried manner through the DSP so as to bypass the scrutiny of the Public Prosecutor and to extend undue benefit to the accused. On these grounds, it is prayed that the impugned order be set aside and directions be issued for conducting fair and proper further investigation in the interest of justice.

6. The State, assisted by respondents No. 2 to 4, has opposed the present petition and submitted that the impugned order dated 28.02.2023 has been rightly passed by the learned trial Court after due appreciation of the material available on record and does not call for any interference. It is contended that the investigation in FIR No. 61 dated 16.04.2017 was conducted fairly, impartially and in accordance with law, and the challan was presented only after proper scrutiny by the learned Assistant Public Prosecutor, who had raised certain objections which were duly complied with before the same was placed before the Deputy Superintendent of Police and thereafter presented in the Court. It is further submitted that the contention of the petitioner regarding non-compliance of the procedure in presentation of challan is misconceived and factually incorrect. It has also been contended that all relevant evidence, including the ownership of the land in question, has been duly taken into consideration during investigation and the concerned Patwari was cited as a prosecution witness to prove the



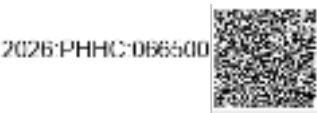
same. The State further submits that the reliance placed by the petitioner on the judgment of the Hon'ble Supreme Court in *Kishanbhai's case (supra)*, is misplaced, as the mandate of law laid down therein has been duly complied with in the present case. It is further argued that the case is already at an advanced stage of trial, charges have been framed and even additional accused has been summoned under Section 319 Cr.P.C., and therefore, no ground is made out for directing further investigation at this belated stage. It is further submitted that the present application for further investigation was rightly dismissed as it was filed after an inordinate delay of several years and does not point out any specific lacuna in the investigation. Rather, it appears to be an attempt to delay the proceedings. It is thus contended that the learned trial Court has rightly exercised its jurisdiction in dismissing the application and the present petition, being devoid of merit, is liable to be dismissed.

7. I have heard learned counsel for the parties and have perused the record with their able assistance. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of the order dated 28.02.2023 passed by the learned Sub-Divisional Judicial Magistrate, Ajnala, whereby the application moved for further investigation/re-investigation has been dismissed. At the outset, it is to be noticed that the scope of interference by this Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C. is limited and is to be exercised sparingly, only to prevent abuse of the process of law or to secure the ends of justice. This Court cannot act as an appellate Court to re-appreciate the facts or substitute its own view where the order impugned does not suffer from patent illegality or perversity.



8. In the present case, the record reveals that the investigation in FIR No. 61 dated 16.04.2017 was conducted by the competent Investigating Officer and the challan was presented after due scrutiny. The material on record further indicates that the challan was, in fact, examined by the learned Assistant Public Prosecutor, objections, if any, were raised and thereafter duly complied with, and only thereafter the same was placed before the competent authority and presented before the learned trial Court. Thus, the contention of the petitioner that the challan was presented in violation of the prescribed procedure is found to be factually incorrect and devoid of merit. The reliance placed by the petitioner upon the judgment of the Hon'ble Supreme Court in *Kishanbhai's case (supra)*, is also misconceived. The ratio of the said judgment mandates application of independent mind by the prosecuting agency and rectification of shortcomings, if any, in the investigation.

9. In the present case, as noticed above, the challan had already been scrutinized by the prosecuting agency and objections were duly removed prior to its presentation. Therefore, the said judgment does not advance the case of the petitioner and is not applicable to the peculiar facts of the present case. It is further evident that the application for further investigation was moved after an inordinate delay of several years from the presentation of the challan and even after substantial progress in trial. The petitioner has failed to point out any specific, cogent or substantial lacuna in the investigation warranting further investigation. The application is conspicuously silent as to what material defect exists in the investigation or what further evidence is required to be collected. A vague and bald assertion



seeking reinvestigation, without disclosing any concrete grounds, cannot be a basis to invoke such jurisdiction. Rather, from the timing and tenor of the application, it appears that the same has been filed as an afterthought and is nothing but an attempt to delay the proceedings of the trial. The learned trial Court has rightly observed that the case is already at an advanced stage and permitting further investigation at this stage would not only derail the trial but would also amount to misuse of the process of law.

10. This Court also finds that the learned trial Court has passed a well-reasoned order after considering the rival submissions and the material on record. No illegality, perversity or jurisdictional error has been pointed out which would warrant interference by this Court in exercise of its inherent powers.

11. In view of the aforesaid discussion, this Court is of the considered opinion that the present petition is wholly devoid of merit. The application for further investigation was frivolous in nature, lacking any substantive grounds and rightly dismissed by the learned trial Court. No case is made out for interference.

12. Accordingly, the present petition stands dismissed.

13. All pending applications, if any, also stand disposed of.

30.04.2026
Anu

(MANDEEP PANNU)
JUDGE

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