

(2011) 11 P&H CK 0147

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-33087 of 2011 (O and M)

Tilak Raj and another

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision: Nov. 3, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 406, 420

Hon'ble Judges: Ajai Lamba, J

Bench: Single Bench

Judgement

Hon"ble Mr. Justice Ajai Lamba

1. This petition filed u/s 482 Cr.P.C. prays for quashing FIR No. 181 dated 22.7.2011 under Sections 406, 420 IPC, registered with Police Station, Division No. 7, Jalandhar.
2. On a query of the Court, it has been informed that investigation is still going on.
3. Essentially, the contention of Learned Counsel for the petitioner is that complaint after complaint is being filed by respondent No. 4 or his relatives. One such complaint has resulted in a conclusion to the effect that complaint was false. In this regard, reference has been made to inquiry report, Annexure P-2.
3. Learned Counsel contends that to the best of his information, even in the impugned FIR, no merit has been found, however, the complainant is seeking re-inquiry.
4. Process of investigation involves systematic inquiry into an alleged incident or transaction from its genesis till its conclusion, with a view to search out and examine the particulars about something hidden, which would include motive, manner in which the incident or transaction has taken place and involvement of the accused (directly or indirectly), in the said incident or transaction, with their exact and specific roles.

5. Informant or complainant makes a report in regard to a happening/incident/transaction which has taken place. On such report, the Investigating Agency undertakes investigation under Chapter XII, Code of Criminal Procedure, in a systematic manner. When needle of suspicion goes towards a particular person viz. the accused, his role is required to be investigated, in detail. However, the version of the complainant is one sided. The alleged accused might be innocent and might be in a position to establish his presence elsewhere or involvement of other accused, who might be the real players in the incident or transaction.

6. The incident or transaction is to be investigated in the context of the persons, who are involved in causing it. In such circumstances, it becomes imperative for the Investigating Agency to also look into the facts, as projected by the accused. An application given by the complainant might be tainted or driven out of selfish motive and might be de hors the true facts. Manifest injustice can be caused, in case, the version given out by the accused is not inquired or investigated. In such circumstances, it is as imperative to inquire and investigate the version given by the accused as is important and relevant to investigate the version given out by the complainant or informant.

7. Circumstances surrounding the incident or transaction would also play an important role. Medico-legal report, report received from the Forensic Science Laboratory, D.N.A. finger prints, etc. if relevant in the facts and circumstances of the case, would help the investigating agency to verify whether the complainant is telling the truth or version of the accused is more believable. So many instances have come to the notice of the Court wherein the complainant, after committing the offence, has gone to the police to make a complaint while indicating the needle of suspicion in other misleading direction or a complaint, with fabricated allegations, has been made to put pressure on the alleged accused so as to settle a civil dispute.

8. Since investigation is still going on, it would not be appropriate, in the facts and circumstances of this case, to pre-empt the result of investigation.

9. The petitioners, however, being accused, also have right to project their case before the investigating agency so that the truth can come out within the scope of investigation, as detailed above.

10. In view of the above, the petition is disposed of with liberty to the petitioners to approach the investigating officer with the facts and circumstances disclosed in the petition. Investigating Officer is directed to take into account the stand of the petitioners also, before finalizing investigation report.