(2000) 07 AHC CK 0133

Allahabad High Court

Case No: Criminal Misc. Writ Petition No. 4383 of 2000

Harkishan and Others		APPELLANT
	Vs	
Senior Superintendent of Police and Others		RESPONDENT

Date of Decision: July 27, 2000

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 154, 156

Citation: (2000) CriLJ 4688 : (2001) 1 RCR(Criminal) 439

Hon'ble Judges: U.S. Tripathi, J; J.C. Gupta, J

Bench: Division Bench

Advocate: M.K. Gupta, for the Appellant; A.G.A., for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. Heard petitioner''s counsel and the learned A.G.A.

2. F.I.R. in question, which we have perused, discloses commission of cognizable offence. In such a situation police has every authority to make investigation for finding out real offenders. It is submitted by the petitioner''s counsel that the petitioners are not named in the F.I.R. and their complicity has been stated before the police by co-accused Naresh-nephew of the petitioners when he was arrested by the police. Learned counsel for the petitioners submitted that until any other piece of evidence is collected against the petitioners the Investigating Officer should be directed not to arrest them. It is well settled law that: Court should not interfere during investigation nor should assume authority on the powers of the Investigating Officer. A statutory right has been conferred on the police under Sections 154 and 156, Cr.P.C. to investigate the circumstances of an alleged cognizable crime. It would be an unfortunate result if it has to be held that Courts should intervene with those statutory rights. The functions of the police and the Judiciary are complimentary arid

not over lapping and the combination of individual liberty with a due observance of law and order is only to be obtained by leaving each to exercise its own functions, always of course subject to the right of the Court to interfere in an appropriate case. In a case where cognizable offence is disclosed the Court''s function begins when a charge-sheet is filed and not before it. There is nothing on record to indicate that the Investigating Officer is not functioning in an honest manner.

3. We, thus find no merits in the writ petition and the same is accordingly dismissed.