



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

Sr. No.: 114

**Criminal Miscellaneous No.M-47472 of 2025**

**Date of Decision: August 29, 2025**

Simranjit Kaur

..... PETITIONER(S)

*VERSUS*

State of Punjab & others

..... RESPONDENT(S)

**CORAM:** HON'BLE MR. JUSTICE SUBHAS MEHLA

**PRESENT:** - Mr. Ashok Giri, Advocate, for the petitioner.

Mr. Subhash Godara, Additional Advocate General, Punjab.

**SUBHAS MEHLA, J**

This is second petition preferred by the petitioner for transfer of investigation in case FIR No.66 dated 21.04.2025 under Sections 118(2), 115(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station, Lopoke, District Amritsar Rural, to any independent agency.

2. Learned counsel for the petitioner has contended that Police has not taken any action on her complaint as per law, and in connivance with the private respondents, while acting in a bias manner conducted one-sided inquiry/investigation; and recommended a cancellation report which is pending consideration. In this view of the matter, learned counsel has requested for transfer of the investigation in afore-mentioned FIR to some independent agency. Learned counsel has relied upon **Abhishek Chetal v. CBI & others**, 2019(2) RCR (Crl.) 177, to contend that prosecution is expected to play balanced role not only during investigation but during trial also. It is required to be in conformity with constitutional mandate as contained in Articles 20 and 21 of the Constitution. Faulty investigation results in miscarriage of justice and actual accused are acquitted.

3. Learned State counsel, appearing on advance notice, submitted that this is the second petition filed by the petitioner seeking same relief. Earlier



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also, the petitioner had approached this Court seeking same relief which resulted in dismissed as withdrawn with liberty to invoke alternative remedies as available to the petitioner in accordance with law.

4. I have considered the submissions made by learned counsel for the parties and this Court finds no change of circumstances since the withdrawal of previous petition, viz. CRM-M-40620-2025, decided vide order dated 30.07.2025, where the petitioner had sought same relief in the very same FIR and petitioner was given liberty to take alternative remedy.

5. In **Sakiri Vasu v. State of U.P.**, AIR 2008 (SC) 907, the Supreme Court established that individuals with a grievance about police inaction (like failure to register an FIR or conduct a proper investigation) should approach the Magistrate under Section 156(3) of the CrPC rather than filing writ petitions directly in the High Court. The judgment emphasized that the Magistrate has the authority to order registration of the FIR and direct a proper investigation. It also cautioned against the indiscriminate use of High Court and Supreme Court powers to order a CBI investigation, reserving such intervention for exceptional cases to avoid overwhelming the central agency.

5. Accordingly, this Court finds no reason to transfer the investigation and petition is dismissed giving liberty to the petitioner to take recourse to take remedies available in accordance with law.

**(SUBHAS MEHLA)**  
**JUDGE**

**August 29, 2025**

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Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No