



CRM-M-10448-2018

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

CRM-M-10448-2018

Date of Reserve : 03.03.2025

Date of Pronouncement : 12.03.2025

Jiwan Jagjot

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

Mr. Arvind Kashyap, Advocate for respondent No.5.

H.S. Grewal, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 09.10.2017 passed by the Sub Divisional Judicial Magistrate, Amloh (Annexure P-9) vide which the petitioner's application under Section 173(8) Cr.P.C. seeking re-investigation in case FIR No.74 dated 29.04.2015, registered under Sections 279, 337, 338 & 427 IPC at Police Station Gobindgarh has been dismissed.

2. It is pleaded by the counsel for the petitioner that on 28.04.2015, the vehicle of the petitioner met with an accident wherein she suffered various injuries including fracture on her left leg. The FIR was registered upon the statement of Daljit Singh, who had stated that a tractor trolley was going in front of their car which was driven by him and the petitioner was sitting in the

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said car. The tractor trolley was fully loaded with 'prali'. As Daljit Singh noticed that the driver of the tractor trolley was driving in a rash and negligent manner, Daljit Singh slowed down the car but suddenly without giving any signal or indicator, the tractor turned towards Shri Ganesh Addi Balesh Factor, Shahpur which caused the accident. Daljit Singh (complainant) had suffered left leg fracture near the step joint bone and other various injuries on his chest, forehead, left arm while the petitioner also suffered injuries including fracture on her left leg. Although the petitioner was an eyewitness of the alleged incident and got serious injuries, her statement was not recorded by the police while at their own, a statement under Section 161 Cr.P.C. was prepared by the respondent-police authorities.

3. It is also alleged that the petitioner, instead of providing proper medical treatment, was immediately discharged on 29.04.2015. A copy of the discharge summary dated 29.04.2015 is at Annexure P-2. It is also pleaded that although the discharge report of the petitioner is part and parcel of the final report, however, the treatment undergone by the petitioner is not part of the record. The petitioner also alleged that the site plan has been wrongly prepared. The petitioner had earlier filed a petition before this Court by way of CRM-M-27275-2016, praying re-investigation of the matter but the same was dismissed as withdrawn on 21.04.2017 and the order thereof is reproduced as under:-

*“Learned counsel for the petitioner seeks permission to withdraw the petition with liberty to avail the other legal remedies available to the petitioner.
Dismissed as withdrawn with liberty as prayed for.”*

4. Thereafter, the petitioner moved an application under Section 173(8) Cr.P.C. before the SDJM, Amloh which was dismissed vide the



impugned order (Annexure P-9) holding that the charges have already been framed against the accused on 12.08.2015 under Sections 279/338 IPC. It has also been observed in the impugned order that since the petitioner has been cited as a witness to the occurrence and her deposition is yet to be recorded as a witness and instead of getting her statement recorded as a witness, she has chosen to move this application. Other allegations have already been refuted by the prosecution. Therefore, on the said grounds, the application was dismissed, vide the impugned order dated 09.10.2017 (Annexure P-9).

5. I have heard the learned counsel for the parties and have carefully gone through the record.

6. At this belated stage when the charges have been framed against the accused persons, no case is made out to issue direction for re-investigation of the matter afresh in the light of the statement of the petitioner as it would not help the trial rather would delay the trial. The petitioner can very well bring out the true facts when she will appear as a witness before the trial Court and she would have ample opportunity to put her case before the trial Court.

7. In the case of **K. Vadivel versus K. Shanthi and others, (2024) 10 SCR 1**, it has been held that further investigation cannot be ordered at the post cognizance stage and the relevant extract thereof is reproduced hereunder:-

“The net result has been that all the stakeholders in the process have contributed to the delay and in spite of eleven years having elapsed after the incident, the trial has still not concluded. No doubt, the High Court allowed the further investigation which we have today reversed. The judgment of the High Court also gave no valid justification for ordering a further investigation.”



45. *The victims of crime, the accused, and the society at large have a legitimate expectation that justice will be available to the parties within a reasonable time. It is beyond cavil that speedy and timely justice is an important facet of rule of law. Denial of speedy and timely justice can be disastrous to rule of law in the long term. Even if the parties involved in a case themselves, with no valid justification attempt to delay the proceedings, the courts need to be vigilant and nip any such attempt in the bud instantly. The administration of justice feeds on the faith of the citizenry and nothing should be done to even remotely shake that faith and confidence.*

46. *The legal profession has an important role to play in the process. Any proceeding or application which prima facie lacks merit should not be instituted in a court. We are constrained to observe this because of late we notice that pleadings/petitions with outrageous and ex facie unbelievable averments are made with no inhibition whatsoever. This is especially so in some family law proceedings, both civil and criminal. Reading some of the averments therein, we are left to wonder whether at all the deponents were conscious of what has been written purportedly on their behalf, before appending their signatures. These misadventures directly impinge on the rule of law, because they add to the pendency and the consequential delay in the disposal of other cases which are crying for justice. It is time that such frivolous and vexatious proceedings are met with due sanctions in the form of exemplary costs to dissuade parties from resorting to such tactics. If we have desisted from such a course in this case, it is only because the High Court allowed the petition and it*



is here that we have, reversing the High Court, dismissed the petition for further investigation.

47. In view of what has been stated hereinabove, we set aside the judgment of the High Court dated 30.04.2021 in Criminal RC (MD) No. 533 of 2020. Consequently Cr. M.P. No 40/2020 in S.C. No. 61/2014 filed by the respondent no. 1 before the Court of Additional District and Sessions Judge for further investigation under Section 173(8) Cr.P.C. would stand dismissed. We further direct that, in view of the dismissal of the application, the additional charge sheet dated 02.12.2021 will not be taken on record. The appeal is, accordingly, allowed.”

8. In view of the above, since the petitioner still have an ample opportunity to put her case before the trial Court, I do not find any illegality and perversity in the order of the trial Court, declining re-investigation of the case in FIR No.74 dated 29.04.2015, registered under Sections 279, 337, 338 & 427 IPC at Police Station Gobindgarh.

9. Consequently, the petition stands dismissed.

(H.S.GREWAL)
JUDGE

12.03.2025
A.Kaundal

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