

CRM-M-26941 of 2025 (O&M)

2025:PHHC:102228



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

CRM-M-26941 of 2025 (O&M)

Date of decision: 07.08.2025

Shweta Maggoo

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: - Mr. Gagandeep Rana, Advocate, for the petitioner.

Ms. Priyanka Sadar, Sr. DAG, Haryana.

**NAMIT KUMAR, J.**

1. Instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 03.10.2024 (Annexure P-4), passed by learned Judicial Magistrate First Class, Gurugram, and for directing respondent No.1 for carrying out further investigation in case FIR No.17 dated 15.03.2022 registered under Sections 34, 406, 498-A, 506 IPC at Women Police Station Gurugram.

2. Present FIR was got registered by the petitioner against respondents No.2 to 5. After investigation, on 09.04.2022, final report under Section 173 Cr.P.C. was filed by the police before the Court of learned Judicial Magistrate Ist Class, Gurugram, against respondent No.2 only. Being aggrieved against the investigation conducted by the police authorities, petitioner moved an application dated 01.10.2024 under Section 173(8) Cr.P.C. for carrying out further investigation in the matter. The said application has been dismissed by learned Judicial



Magistrate First Class, Gurugram, vide order dated 03.10.2024 (Annexure P-4).

3. Learned counsel for the petitioner has submitted that the trial Court has wrongly dismissed the application of the petitioner seeking further investigation in the matter. He further contended that the application moved by the petitioner ought to have been allowed as it is crystal clear that the investigation conducted by the police was highly deficient and important issues and facts have not been investigated by the police. He further contended that for proper adjudication of the case, proper investigation is required. Learned counsel further contended that the police investigation was deficient inasmuch as it failed to verify the financial standing of the accused-husband, his ownership of immovable property, the expenses incurred at the marriage and the medical condition of the petitioner during her pregnancy. It is also contended that the role of the in-laws was not probed and relevant documents were ignored.

4. On the other hand, learned State counsel has supported the impugned order. She submitted that final report was presented after due investigation, therefore, no further investigation is required in the case.

5. I have heard learned counsel for the parties and perused the record.

6. It is the case of the petitioner that the police investigation was deficient inasmuch as it failed to verify the financial standing of the accused-husband, his ownership of immovable property, the expenses incurred at the marriage, and the medical condition of the



petitioner during her pregnancy . It is also contended that the role of the in-laws was not probed and relevant documents were ignored.

7. In ***K. Vadivel vs K. Shanthi & Ors., (2024) 10 SCR 1***, the Hon'ble Supreme Court held as under:-

*"32. Ultimately, the contextual facts and the attendant circumstances have to be singularly evaluated and analysed to decide the needfulness of further investigation or reinvestigation to unravel the truth and mete out justice to the parties (see ***Pooja Pal vs. Union of India & Ors. (2016) 3 SCC 135, para 83***). As noticed in ***Ram Lal Narang vs. State (Delhi Administration) (1979) 2 SCC 322, (para 20)*** where fresh materials come to light which would implicate persons not previously accused or absolve persons already accused or where it comes to the notice of the investigating agency that a person already accused of an offence has a good alibi, it may be the duty of the investigating agency to investigate the genuineness of the same and submit a report to the court.*

*33. However, the further investigation cannot be permitted to do a fishing and roving enquiry when the police had already filed a charge-sheet and the very applicant for further investigation, in this case respondent no.1, has not whispered about anything new in her evidence as is now sought to be averred in the application. There must be some reasonable basis which should trigger the application for further investigation so that the court is able to arrive at a satisfaction that ends of justice require the ordering/ permitting of further investigation. In ***Hasanbhai Valibhai Qureshi v. State of Gujarat & Ors., (2004) 5 SCC 347***, this Court held as under:-*

*"13. In ***Ram Lal Narang v. State (Delhi Admn.) [1979] 2 SCC 322*** it was observed by this Court*

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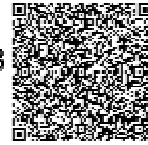


*that further investigation is not altogether ruled out merely because cognisance has been taken by the court. When defective investigation comes to light during course of trial, it may be cured by further investigation, if circumstances so permitted. It would ordinarily be desirable and all the more so in this case, that the police should inform the court and seek formal permission to make further investigation when fresh facts come to light instead of being silent over the matter keeping in view only the need for an early trial since an effective trial for real or actual offences found during course of proper investigation is as much relevant, desirable and necessary as an expeditious disposal of the matter by the courts. In view of the aforesaid position in law, if there is necessity for further investigation, the same can certainly be done as prescribed by law. The mere fact that there may be further delay in concluding the trial should not stand in the way of further investigation if that would help the court in arriving at the truth and do real and substantial as well as effective justice. We make it clear that we have not expressed any final opinion on the merits of the case."*

34. In **Vinay Tyagi v. Irshad Ali alias Deepak & Ors., (2013) 5 SCC 762**, this Court dealing with the aspect of the power of Magistrate to direct further investigation had the following to say:

*"41. ....The power of the Magistrate to direct "further investigation" is a significant power which has to be exercised sparingly, in exceptional cases and to achieve the ends of justice. To provide fair, proper and unquestionable investigation is the obligation of the investigating agency and the court*

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*in its supervisory capacity is required to ensure the same. Further investigation conducted under the orders of the court, including that of the Magistrate or by the police of its own accord and, for valid reasons, would lead to the filing of a supplementary report. Such supplementary report shall be dealt with as part of the primary report. This is clear from the fact that the provisions of Sections 173(3) to 173(6) would be applicable to such reports in terms of Section 173(8) of the Code."*

35. *It is essential to note that this Court emphasized that though power to order further investigation is a significant power it has to be exercised sparingly and in exceptional cases and to achieve the ends of justice (see **Devendra Nath Singh v. State of Bihar & Ors., (2023) 1 SCC 48**, para 45). Whether further investigation should or should not be ordered is within the discretion of the Magistrate and the said discretion is to be exercised on the facts of each case in accordance with law. This Court also held that in an appropriate case, where the High Court feels that the investigation is not in the proper direction and to do complete justice where the facts of the case so demand, the inherent powers under Section 482 Cr.P.C., 1973 could be exercised to direct further investigation or even reinvestigation. This Court reiterated the principle that even under Section 482 Cr.P.C., 1973 the wide powers are to be exercised fairly with circumspection and in exceptional cases.*

36. *In Himanshu Kumar and Others v. State of Chhattisgarh and others, 2022 SCC OnLine SC 884 dealing with the prayer for transfer of investigation to CBI, this Court had the following to say:*

*"47. ...We are conscious of the fact that though a satisfaction of want of proper, fair, impartial and*

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*effective investigation eroding its credence and reliability is the precondition for a direction for further investigation or reinvestigation, submission of the charge sheet ipso facto or the pendency of the trial can, by no means, be a prohibitive impediment. The contextual facts and the attendant circumstances have to be singularly evaluated and analyzed to decide the needfulness of further investigation or re-investigation to unravel the truth and mete out justice to the parties. The prime concern and the endeavour of the court of law should be to secure justice on the basis of true facts which ought to be unearthed through a committed, resolved and a competent investigating agency.”*

8. The concept of a “fair and proper investigation” in criminal jurisprudence serves a dual objective. First, the investigative process must be impartial, upright, lawful, and free from bias. Second, the paramount aim of such fairness is to ensure that the truth of the matter is fully and faithfully presented before the court of competent jurisdiction. Where these twin facets of fairness are adhered to, judicial interference with the investigation, whether by way of quashing proceedings or transferring the probe to another agency, would rarely be warranted. A truthful outcome achieved through lawful and scrupulous investigative methods inherently negates the foundation of a tainted, biased investigation, as well as allegations of false implication. Consequently, it becomes incumbent upon a court, when confronted with an investigation that is demonstrably flawed, prejudiced, or contrary to settled investigative principles, to issue a definitive order determining its course and corrective measures.



9. It is already well-established that there exists no explicit restriction on the authority of a Magistrate to order “further investigation” once a report has been submitted under Section 173(2) Cr.P.C. Any interpretation to the contrary would run afoul of both the plain wording of Section 173(8) Cr.P.C. and the overall scheme of the Code, which prioritises the proper administration of criminal justice. The foundational principles of criminal jurisprudence favour such an understanding, especially since, under Section 190 Cr.P.C., the Magistrate is empowered to take cognizance of offences. It is the Magistrate’s role to assess whether, on the material and documents presented, an offence is made out; and if so, to determine the appropriate legal course, whether committing the case to a court of competent jurisdiction or proceeding with the trial personally. In essence, the Magistrate’s judicial conscience must be satisfied on the basis of the record and the investigative material before arriving at a conclusion consistent with law. To bar the court from ordering “further investigation” when doubts arise would amount to a miscarriage of justice, depriving it of the ability to have the investigating agency reinforce its charge-sheet. The satisfaction of the Magistrate, therefore, is a precondition to the initiation of further proceedings before the competent court. Whether such an order is warranted will always turn on the specific facts of the case. While a Magistrate’s remit extends only to ordering further investigation, superior courts may, in an appropriate case, direct further investigation, reinvestigation, or even a



fresh investigation altogether. The precise nature of the investigative process will be governed by the specific terms of the court's order.

10. On perusal of the case file it is manifest that all the grounds now pressed into service were part of the original FIR narrative lodged on 15.03.2022. The marriage, financial dealings, alleged dowry demands, medical complications and conduct of the in-laws were expressly pleaded at the inception. The petitioner herself admits in para 7 of the petition that the documents annexed herewith were already part of the record before the learned trial Court.

11. The reliance placed by the learned counsel for the petitioner upon the judgment of the Hon'ble Supreme Court in *Anant Thakur Karmuse v. State of Maharashtra and others, 2023(5) SCC 802* is unjustified. In the said case the Hon'ble Supreme Court directed further investigation even subsequent to filing of the chargesheet and framing of charges, the same being necessitated by demonstrable inadequacies in the initial investigation and the imperative of securing of fair trial. The decision was based upon the presence of tangible deficiencies and the availability of material warranting such extraordinary intervention. In contradistinction, the present case stands on a different footing. In *K. Vadivel* (supra) the application under Section 173(8) Cr.P.C. was instituted after an inordinate lapse of time, bereft of any newly-discovered, credible material, and was plainly calculated to impede the orderly progress of the trial. The guiding principle emanating from the *Vadivel's* case (supra) is that while the mere stage of the proceedings does not *per se* preclude further



investigation, the absence of fresh, substantive evidence renders such a motion an abuse of process. Therefore, the facts here do not attract the principle laid down in *Kharmuse's* case (supra) as present petition filed after considerable delay and devoid of any newly discovered or credible material.

12. In the present case, charges were framed by the Court on 12.04.2022 and petitioner filed an application for further investigation in the matter on 01.10.2024 i.e. after more 1½ years of the filing of final report and without producing any new evidence/material that, which could warrant further investigation in the matter. The application dated 03.10.2024 filed by the petitioner for further investigation is founded entirely on facts entirely in her knowledge at the inception and moreover it appears to be an attempt to prolong the trial and to reopen and re-agitate matters already considered and closed during investigation. The Court has rightly observed that petitioner-complainant can avail other legal remedies available to her at the appropriate stage.

13. In the absence of any newly-emergent circumstance, this Court finds no error, much less any perversity, in the order of the learned Magistrate refusing further investigation. The present petition is devoid of merit and is accordingly dismissed.

07.08.2025

R.S.

**(NAMIT KUMAR)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No