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**(2019) 09 P&H CK 0193**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Criminal Miscellaneous Petition (M) No. 34723 Of 2019 (O & M)

Vandana Sharma

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

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**Date of Decision :** 26-09-2019

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 173  
Indian Penal Code, 1860 — Section 120B, 379, 447

**Citation :** (2019) 09 P&H CK 0193

**Hon'ble Judges :** Amol Rattan Singh, J

**Bench :** Single Bench

**Advocate :** APS Rehan, Ruchika Sabharwal, S.S. Rang, Saurav Bhatia

**Final Decision :** Dismissed

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**Judgement**

Amol Rattan Singh, J

In the reply filed by the Superintendent of Police (Investigation), Hoshiarpur, it has been stated that after an enquiry was conducted by the SP (Headquarters), an FIR was registered against the accused, who thereafter made a representation/application to the SSP, with the SSP having constituted a Special Investigating Team (SIT) headed by the SP (Investigation), to conduct the investigation in the FIR.

In the aforesaid circumstances, upon query to learned counsel for the petitioner, as to how the instructions of the DGP dated 1.4.2008 (copy Annexure P-1) can be held to be applicable, in terms of Section 173 of the Cr.P.C., after an FIR has been registered, he submits that as a matter of fact no investigation other than recording of statements of parties is being conducted, as no evidence is being gathered, and therefore it is not an investigation which is going on, but only an enquiry.

Learned counsel for the complainant on the other hand submits that there is no bar on investigation/further investigation after an FIR is registered.

Learned State counsel submits that after the affidavit of the SP (Investigation) was filed, the commission of offences punishable under Sections 379 and 120B of the IPC have been deleted from the FIR, with the offence punishable under Section 447 of the IPC remaining, though the matter continues to be investigated.

That being so, there is no cause for this Court to further interfere in the matter, as obviously the investigating agency cannot be directed by this Court to not conduct investigation/further investigation, even before the report under Section 173 of the Cr.P.C. has been submitted before the trial Court.

Dismissed.

Naturally, if the petitioner is aggrieved of any action or in-action on the part of the investigating agency upon the report under Section 173 of the Cr.P.C. finally being submitted to the competent Court, he would have remedies available to him, as per law.

The SSP Hoshiarpur is however directed to ensure that the investigation is not unnecessarily delayed.