

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

**Criminal Revision No.4882 of 2015
Date of Decision: December 18, 2015**

Ms.Mansi

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Surender Deswal, Advocate,
for the petitioner.

Naresh Kumar Sanghi, J.(Oral)

Challenge in this criminal revision petition is to the order dated 09.12.2015 passed by learned Additional Sessions Judge, Sonapat, whereby the application under Section 319, Cr.P.C., moved by the petitioner/informant for summoning of Sushila, Deputy Superintendent of Police, for facing trial for the offences punishable under Sections 323, 354-B, 427, 452 and 506, IPC, and Section 8 of the Protection of Children from Sexual Offences Act, 2012, in a case arising out of FIR No.461, dated 29.07.2015, registered at Police Station, City, Sonapat, was dismissed.

Learned counsel contends that Ankit and Anmol @ Vicky are sons and Kul Bhushan Rana is the husband of Sushila. On 12.07.2015 sons and husband of Sushila entered into the house

of the petitioner; caused injuries to the petitioner and her mother; outraged the modesty of both of them (petitioner and her mother); extended threats and committed mischief by damaging the property; later on Sushila reached there and extended threats to the petitioner and her mother and as such, the allegations clearly show that Sushila had also participated in the occurrence. During investigation, the police has exonerated Sushila since she (Sushila) was a senior police officer. He further contends that learned trial Court, after scanning the deposition of the petitioner, concluded that Sushila had arrived at the spot, in that eventuality, learned trial Court had no option except to summon Sushila as an accused.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

As per the version put forth in a complaint presented under Section 156(3) Cr.P.C., before learned Area Judicial Magistrate, Sonapat, it was alleged that on 12.07.2015 sons and husband of Sushila were sitting in a car which was stationed in the street and when the petitioner while riding the scooty was in the process of crossing that car then sons and husband of Sushila misbehaved with her and thereafter, they entered into her house and caused injuries to the petitioner and her mother. They even outraged their modesty and extended threats. After hearing the noise, Sushila also reached at the house of the petitioner and

extended threats to the petitioner and her mother. On the basis of the order passed by learned Area Judicial Magistrate, Sonapat, FIR was registered on 29.07.2015. During investigation, it was revealed that Sushila was not present at the spot on 12.07.2015 at 6:00 p.m, when the alleged occurrence had taken place. There were contradictory versions in the complaint presented before learned Area Judicial Magistrate, the statement under Section 164, Cr.P.C. suffered by the petitioner and her deposition before learned Additional Sessions Judge, Sonapat. The delay in reporting the matter, variation in the versions of the petitioner at different levels and the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **Hardeep Singh vs. State of Punjab & Ors., 2014(3) SCC 92**, this Court is also of the firm opinion that no case for summoning of Sushila is made out. Learned trial Court has also accorded the cogent reasons for dismissing the application presented by the petitioner. No extraordinary ground is made out to set aside the well-reasoned order passed by learned trial Court while exercising the revisional jurisdiction.

Dismissed.

December 18, 2015
seema

(Naresh Kumar Sanghi)
Judge