

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-970-MA-2013 (O&M)
Date of decision: 14.01.2016

Balwinder Kaur

.....Applicant

versus

Kuldeep Singh and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Anil Chaudhary, Advocate for the applicant
Mr.Vikas Bishnoi, Advocate for respondent No.1
Mr.Ashish Sanghi, DAG Punjab for respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

CRM No.220-2016

Order Annexure A-1 is taken on record. CRM stands disposed of.

CRM No.47206-2013

For the reasons mentioned in the application, it is allowed and 577 days delay in filing the application for grant of leave to appeal stands condoned.

CRM-A-970-MA-2013

Impugned in the present application for grant of leave to appeal is the order dated 10.2.2012, passed by the learned Chief

Judicial Magistrate, Sangrur, vide which, in the complaint of the complainant under Sections 499 and 500 IPC, after summoning the accused, the charges were not framed and accused was discharged.

I have heard learned counsel for the parties and have also carefully gone through the file.

Brief allegations in the complaint are that the complainant is a Lady Constable in the Punjab police, whereas respondent is Superintendent of District Jail, Sangrur. Respondent as a Superintendent of Jail, Sangrur made a complaint to the Senior Superintendent of Police, Sangrur against the complainant-petitioner, wherein he alleged that two accused Amarjit Kaur and Prem Singh, whose custody was entrusted to the present petitioner complainant for their production in the Court of Additional District Judge, Sangrur was allowed under custody to meet in the room of Judicial Court Complex for sex purposes. Inquiry was held and the complaint was found to be false. The learned Chief Judicial Magistrate found that the said act of the respondent-accused is covered under the exception to Section 499 IPC.

After going through the contents of the complaint, I am of the view that the Superintendent of Jail had moved a complaint before Senior Superintendent of Police, Sangrur in official capacity, levelling certain allegations against the Lady Constable-complainant, who was entrusted with the custody of two of the under trials. Therefore, making a complaint to the senior officer is not defamation even if it is found that the allegations could not be proved. There is no perversity or illegality in the impugned order discharging the accused. The order

is based on sound reasoning and does not call for any interference.

Accordingly, the present application for grant of leave to file appeal is dismissed.

14.01.2016

gk

**(Kuldip Singh)
Judge**