

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-10235 of 2016

Date of Decision: 29.04.2016

Ekta Sharma

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Ms. Shaveta Sanghi, AAG, Haryana.

Mr. S.B. Kaushik, Advocate
for respondents no.5 to 8.

HARI PAL VERMA, J.

Petitioner – Ekta Sharma has filed the present petition under Section 482 CrPC for issuance of direction to respondents no.1 to 4 to conduct proper and fair investigation of case FIR No.0098 dated 23.2.2016 under Sections 302/201/34 IPC registered at Police Station Sadar Palwal, District Palwal. In the alternative, prayer has also been made to issue directions to respondents no.1 to 4 to hand over the investigation of the case to any other investigative agency.

As per the averments made in this petition, respondents no.5 and 6 are real uncles of the petitioner whereas respondent no.7 is her cousin and respondent no.8 is her brother-in-law. Father of the petitioner had died on 17.6.2012 and after his death, respondents no.5 to 8 wanted to grab the share of the petitioner and her brother Abhishek in the property. In this regard, a civil suit for declaration and possession was filed by the petitioner against respondents no.5 and 6 and others, which is pending in the Court of learned Civil Judge (Sr. Division), Palwal.

It is the case of the petitioner that Abhishek, brother of the petitioner, aged 34 years, was under treatment in Fortis Hospital, Faridabad and on 8.7.2015, in order to kill him, respondents no.5 to 8 got him discharged from the hospital against the medical advice and murdered him and further, without post mortem, his dead body was cremated by them in Village Asawati, District Palwal. It has been further averred that the petitioner reached the hospital on 8.7.2015 itself but was shocked when she asked the cause of death her brother from respondents no.5 to 8. They abused and threatened to kill her. The petitioner filed complaints against respondents no.5 to 8 before respondent nos.2 and 3 but no action was taken. Therefore, the petitioner filed the complaint in question before learned Additional Chief Judicial Magistrate, Palwal and as such, the FIR in question was registered. However, despite registration

of the FIR, no action has been taken against the respondents-accused.

It is in these circumstances, the petitioner has filed the instant petition seeking directions to the official respondents to conduct proper and fair investigation of case or to hand over the investigation of the case to any other investigative agency.

I have heard learned counsel for the parties.

Reply on behalf of respondents no.1 to 4 has been filed in Court which is taken on record. As per the reply, the petitioner moved a complaint dated 14.9.2015 before Superintendent of Police, Palwal, which was inquired into by Deputy Superintendent of Police, Palwal and no murder was found to have been committed by the private respondents and thus, the allegations of the petitioner were found to be baseless. It has been stated that after lodging of the FIR, the police has investigated the matter and during the course of the investigation, the Investigating Officer visited Village Asawati and recorded the statement of villagers including Neelam wife of the deceased and Aarti, sister of the deceased. As per their statements, the deceased was habitual drunkard, due to which, he was suffering with multiple chronic diseases. They tried to provide him best medical treatment but he died due to the aforesaid diseases, despite putting their best efforts.

In this manner, it is found that the police has conducted its investigation properly and the death of the brother

of the petitioner has occurred due to multiple chronic diseases. Therefore, the averments made in this petition are total frivolous and misconceived.

In view of the aforesaid, this Court is not inclined to entertain the present petition under Section 482 CrPC.

Accordingly, the present petition is dismissed.

April 29, 2016
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(HARI PAL VERMA)
JUDGE