

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

Crl. Misc. 11075 of 2016 (O&M)

Date of Decision: 26.10.2016

Meena

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. S.K. Saini, AAG Haryana
for respondents No.1 to 3-State.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of Cr.P.C., for a direction to hand over the investigation of the case, to any independent agency or Crime Branch of the State, in case FIR No.28 dated 27.10.2015, under Sections 376, 365, 328, 34 of the Indian Penal Code registered at Women Police Station Kaithal, District Kaithal, since the official respondents were not acting on the said FIR.

Notices of the petition was issued on 31.03.2016. A reply has been filed on behalf of respondents No.1 to 3-State, which is taken on record, in which, it is stated that during investigation, it was found that petitioner had on a previous occasion lodged an FIR No.69 of 2013, under Sections 376, 328 of the Indian Penal Code at Police Station Dhand, against private respondent-Sunil, in which case, respondent-Sunil was acquitted by

the Illaqua Magistrate, Kaithal. It was also found during investigation that present petitioner had filed a complaint under Sections 294, 354-D, 341, 506 of the Indian Penal Code, in the court of Illaqua Magistrate, Kaithal and the allegations levelled by the petitioner were found to be unsubstantiated and cancellation report was sent in that matter.

Learned AAG Haryana for respondents No.1 to 3-State, on instructions from SI Balbir Singh, Police Station Women Kaithal, submits that on investigation of the instant case, it is found that the petitioner has been lodging false cases against the respondent-Sunil and on this basis, a cancellation report has already been sent to the higher authorities for necessary permission.

After having heard learned AAG Haryana for respondents No.1 to 3-State and in view of the fact that respondents No.1 to 3-State is seized of the matter and has acted accordingly, no further orders are called for in this regard.

At this juncture, learned counsel for the petitioner submits that he may be given liberty to challenge the cancellation report, as and when submitted. No orders are called for in this regard, because that right is always available to the petitioner.

Petition stands disposed of accordingly.

October 26, 2016

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No