

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-12536 of 2016

Date of Decision: 09.08.2016

Ajay Kumar

...Petitioner(s)

Versus

UT Chandigarh Administration & others

...Respondent(s)

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

Present:- Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

HARI PAL VERMA J.(Oral)

Petitioner Ajay Kumar son of Ajmer Singh, resident of 2384, Vikas Nagar, Mouli Jagra, UT Chandigarh has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 seeking an independent inquiry against SHO, Police Station Mouli Jagra, UT Chandigarh and others, due to whose conduct, his brother Rohit went missing, though he himself returned back home.

It is the case of the petitioner that his brother aged 14 years is studying in Class VIII at Government Model High School, Village Mouli Jagra, UT, Chandigarh. On 13.8.2015, parents of Rohit were called in the school by his teachers and he was slapped and complaints were made to them. Rohit was also thrashed by the teachers in front of his parents.

However, the parents of Rohit came back, but later on, when Rohit came

back home, he was in a depressed state of mind. He left home in the evening, not to come back. Therefore, an FIR No.453 dated 21.8.2015 was registered. Accordingly, search was made to trace Rohit, but to no avail. Complaints were also made to Child Commission, Chandigarh as well as to SC/ST Commission, Chandigarh regarding the high-handedness of the police officials, as no efforts were made to locate the child. It was only on 25.11.2015, Rohit came back. On his return, police party visited his house and took him along with them and detained him in the police station for three days. He was not given meals and drinking water properly. They forced his parents to withdraw the criminal case registered by them.

Learned counsel for the petitioner has contended that Rohit was a victim of bad behaviour. Number of complaints were made to various authorities, but no action was taken thereon. He argued that due to the bad behaviour of teachers, Rohit left his home and had to do odd jobs with strangers who paid him Rs.50/- per day.

I have heard learned counsel for the petitioner.

The petitioner has sought an independent inquiry into the matter, but at the same time, he has approached various forums including the Child Commission and SC/ST Commission. The brother of the petitioner had left home on his own and has done odd jobs with strangers on payment of Rs.50/- per day. It is not established in any manner that either the school authorities or the police were instrumental for his absence from home.

Therefore, no such direction can be issued under Section 482 CrPC, more particularly when Rohit has returned back home on 25.11.2015.

Accordingly, the present petition is dismissed.

August 09, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No