

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

CRL. MISC. No.M-1457 OF 2014 (O&M)
DATE OF DECISION : 11th JANUARY, 2015

Charanjeet Kaur

.... **Petitioner(s)**

Versus

The Union Territory, Chandigarh & others

.... **Respondent(s)**

CORAM : HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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Present : Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. J. S. Toor, APP for UT Chandigarh.

Ms. Dimple Jain, AAG, Haryana.

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ANITA CHAUDHRY, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for appropriate directions to the respondents to consider and incorporate appropriate Sections under the Information and Technology Act, 2005 in FIR No.207 dated 09.11.2013 registered under Section 509 IPC at Police Station Sector-3, Chandigarh.

The petitioner is working as an Assistant in the Finance Department Haryana for over 22 years. Manu Kapoor was the Personal Assistant to the Secretary in the Establishment Branch in the Haryana Civil Secretariat. Survir Singh Negi was earlier working as Assistant in the Irrigation Branch. The respective offices of the petitioner and the accused were on the same floor of the Civil Secretariat, Chandigarh. The complainant levelled allegations that she was being sexually harassed by the accused. She was made to

sit late in office for calculation of arrears of pay after 6th pay commission. She was asked to attend office even on holidays. Finding the petitioner alone Manu Kapoor used to pass lewd remarks and exerted influence since he was posted with the Joint Secretary of the Establishment Branch. Allegations were that Manu Kapoor fabricated a blue film and tempered with downloaded clip and distributed it in the office alleging that the complainant was working in blue films. He started blackmailing the complainant and compelled her to have physical relations with him and had shown morphed films in the office. The complainant got herself transferred but the immoral activities did not stop. A complaint was made to the Chief Secretary on 08.06.2010. The committee gave its report which exonerated Survir Singh Negi, whereas with respect to Manu Kapoor the petitioner alleges that a finding came against him. The complainant approached the police with a complaint in 2013 and the FIR was registered in November, 2013 under Section 509 IPC.

The prayer made by the petitioner is that directions should be given to the police to add Sections under the Information and Technology Act, 2005 in the FIR.

Notice was given to the respondents. Subsequently the State of Haryana was impleaded as party, who had filed their reply. A query was posed to the State of Haryana as to whether any departmental enquiry was pending against the accused. It was reported that no departmental enquiry or proceeding was pending against Manu Kapoor or Survir Singh Negi.

SHO, Police Station Sector – 3 Chandigarh in his affidavit had pleaded that the enquiry was conducted by the Cyber Crime Branch of the Investigation Cell and no compact disc (CD), Clip or blue film was found and on the basis of the material before them, FIR was registered under Section 509 IPC and challan has been presented and the trial Court has framed the charges.

I have heard the counsel for the petitioner at length and have gone through the record and the enquiry report.

No CD has been recovered. Challan has been presented and the trial has commenced. It had been urged that even though the challan has been presented, directions can be issued to the investigating agency to hold further investigation. Reference was placed on ***Hema Versus State through Inspector of Police, Madras***, reported as **2013 (10) Supreme Court Cases 192**.

There are no allegations in this case that the investigation was one sided or based on malafide. The chargesheet has already been submitted by the investigating agency.

In view of the above, no further directions are required to be made. The petitioner may avail the remedies, if any available under law.

The petition is dismissed.

11th JANUARY, 2015
'raj'

(ANITA CHAUDHRY)
JUDGE