

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

**CRM-M No.24153 of 2016
Date of Decision : 21.12.2016**

Rozy Sharma

.....Petitioner(s)

Versus

S.N. Roy and another

.....Respondent(s)

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vijay Dahiya, Advocate
for the petitioner(s).

FATEH DEEP SINGH, J. (ORAL)

Petitioner-Rozy Sharma, a woman aged around 40 years has knocked at the doors of this Court with the aid of Section 482 Cr.P.C. seeking invocation of the inherent powers of this Court by way of quashment of orders dated 15.12.2015 (Annexure P-4) passed by the Court of learned Judicial Magistrate 1st Class, Chandigarh, whereby, her complaint preferred against the present respondents stood dismissed at pre-summoning stage and also aggrieved by orders dated 19.04.2016 (Annexure P-6), whereby her revision petition against these findings stood dismissed by learned Additional Sessions Judge, Chandigarh and thus has sought to come up before this Court through the instant petition.

Heard, Mr. Vijay Dahia, Advocate for the petitioner and perused the records of the case.

It is the own stand of the complainant/present petitioner that she was already a married lady with a child and has earlier got convicted

another such acquaintance on similar allegations that the said person namely Pardeep Sharma deceitfully had with her consent had sexual intercourse for a period from 2004 to 2008 and subsequently, thereafter, had entered into a relationship with the present respondent No.1, during that point of time, when she was litigating with the abovesaid-Pardeep Sharma. It is the own stand of the petitioner that she was aware of the fact that respondent No.1, who is a senior bureaucrat, was a married person with children and it is her own stand that being fully aware and knowing of all these, she has initiated physical relations with him. The transcription of call details placed by her on the records of the case are in itself suggestive of the fact that she was in the knowledge as to the matrimonial status of respondent No.1.

To the very query of the Court, learned counsel for the petitioner could not convince by any means or by any evidence how or in what manner she was deceived by respondent No.1 or it was on the pretext of entering into a wedlock with her, respondent No.1 has taken undue advantage of her and, thus, has misused his powers by virtue of his position of authority as a public servant. The stand of the petitioner that she had resorted too, a complaint to the police as well as to the Magistrate but the same did not bear any fruitful result and inspite of Special Investigating Team having been constituted her complaint stood dismissed. Her plea of the manner in which she had come into contact with respondent No.1 has never been established by any evidence whatsoever or her claim that she had been accompanying this person for rendezvous to different places and hotels much less any substantial and corroborative evidence of sexual

relationship between the two. The mere submissions that have sought to be raised with much force and vehemence on behalf of the petitioner by her counsel that the call details are itself illustrative at the most if taken to be gospel truth to be only and only inference that both of them were in contact with each other and not much benefit can be gathered from such elements of conversation over mobile phones. The photographs sought to be placed on the records and the recordings, rather to the mind of this Court to a large extent establishes the motive for which these recordings/photographs have been taken about to serve an ulterior motive, obviously to blackmail another victim as the earlier one, apparently as is suggestive from the judgment was sent to the jail upon his conviction after allegations were levelled by the present petitioner when the said person refused to bear her expenses and which element in itself is borne out from the transcription of the talk between the petitioner and respondent No.1.

The two Courts below have given well reasoned findings by amply considering the evidence what has necessitated the dismissal of the complaint in terms of Section 203 Cr.P.C. by the learned Magistrate since the allegations harbor around the commission of cognizable non-bailable offences which are triable as warrant cases by a Court of Sessions. The provisions of Section 482 Cr.P.C. though bring about vast and ample wide powers upon the Courts but it is only in exceptional cases the Court needs to show indulgence and nothing is tangible to this effect.

The counsel for the petitioner could not bring-forth anything perverse or illegal in the findings of the two Courts below which concur

with each other and thus, no eventuality is made out to show indulgence by this Court under these provisions.

In the light of the same, finding no merits in the instant petition, the same stands dismissed.

December 21, 2016
Dpr

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No