

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

CRM-M-2400-2015

Date of decision: 27.08.2016

Sharmila

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C. is for issuance of direction to the respondents to hand over the investigation in case FIR No.1018 dated 23.12.2013, under Sections 354-A, 354-B, 452, 506 IPC, registered at Police Station, City Jind, District Jind, to some independent agency for conducting fair and impartial investigation.

Upon notice, reply on behalf of respondent Nos.1 to 4, by way of affidavit of Deputy Superintendent of Police, Jind, has been filed, wherein it has been stated that on a complaint made by the petitioner under Section 156 (3) Cr. P.C., aforesaid FIR (Annexure P-1) has been registered against Inspector Satya Parkash and Inspector Maya Ram with the allegations of sexual harassment, assaulting/using criminal force, house trespass after preparation for hurt, assault or wrongful restraint and criminal intimidation.

Thereafter, a Special Investigating Team (SIT) headed by Ms. Manisha Chaudhary, IPS, Assistant Superintendent of Police, Hisar, consisting of Lady Inspector Bimla Devi and L/ASI Sheela Devi was constituted for conducting investigation in the case w.e.f. 28.12.2013. During investigation, the allegations levelled by the petitioner against Inspector Satya Parkash and Inspector Maya Ram to the effect that on 25.03.2013, at about 7.00 P.M., they both had visited at her residential quarter No.3/3, situated in Police Colony, Jind and threatened her, were found to be false and frivolous. From the statements of officials/family members of the adjoining quarters/vicinity, mobile call details, I.Ds and locations, it was found that there was no truth in the allegations levelled by the petitioner. Rather, it was found that on 25.03.2013, neither Inspector Satya Parkash and Inspector Maya Ram visited at the residential quarter of the petitioner nor they had threatened her.

With regard to the incident dated 03.12.2012 regarding abusing and sexual harassment by Inspector Satya Parkash, no material evidence came on the file, therefore these allegations were found to be false and frivolous. On a complaint dated 05.12.2012 made by the petitioner against Inspector Satya Parkash, the then SHO, Police Station, Pillukhera, the Deputy Superintendent of Police, Safidon had inquired the matter and gave his report dated 11.02.2013 (Annexure P-2). As per this report, the allegations of outraging the modesty of the complainant were not found to be true. In the reply, it has been further submitted that pursuant to the decision given by the Hon'ble Supreme Court in **Vishaka and others Vs. The State of Rajasthan and others**, AIR 1997 Supreme Court 3011, the Superintendent of Police, Jind, vide order dated 03.03.2013, entrusted the

matter to a Committee headed by Lady Inspector Roshni Devi, consisting of Lady SI Santosh Devi, Lady ASI Sheela Devi and ASI Rantej Singh with a direction to conduct enquiry regarding sexual harassment at work place. This Committee enquired the matter. During the course of enquiry, allegations of sexual harassment at work place were not proved. The Superintendent of Police, Jind vide order dated 09.11.2013 considered and filed the report of the aforesaid Committee. It has been further stated that during the course of investigation, it was found that in the month of March, 2013, when Inspector Maya Ram was posted as Station House Officer, Police Station, Pillukhera, on 18.03.2013, 22.03.2013 and 24.03.2013 he made reports against the petitioner for declining to discharge her duties and pressurizing him to assign investigation work in specific beat. The petitioner while apprehending danger of some disciplinary action against her, had levelled counter allegations against Inspector Maya Ram, then Station House Officer, police Station, Pillukhera. On 30.06.2014, file pertaining to the aforesaid case was received back at Police Station, City Jind from Special Investigating Team for conducting polygraph test of the suspected police officers. On 21.10.2014/19.02.2015, polygraph tests of Inspector Satya Parkash and Inspector Maya Ram were got conducted at Forensic Science Laboratory, Madhuban, Haryana, but no incriminating evidence could be brought against them.

Learned State counsel, on instructions from ASI Satish Kumar, has informed that on 18.07.2015, a cancellation report has been prepared in this case, which has now been approved by the concerned Superintendent of Police. The same shall be filed before the Illaqa Magistrate within two weeks.

In view of the reply filed on behalf of the respondents, no further direction is required to be given in this case.

Disposed of accordingly. However, the petitioner can avail her remedy in accordance with law.

(RITU BAHRI)
JUDGE

27.08.2016
ajp

speaking/non-speaking : Yes/No
Reportable : Yes/No