

CRM-M-37300 of 2015

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

Sr. No. 230

CRM-M-37300 of 2015

Date of decision: April 28, 2016

Anisha

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mohammad Arshad, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana,
for respondents No.1 to 3.

Mr. Rajesh Bhateja, Advocate,
for respondents No.4 to 11.

JASPAL SINGH, J

This petition has been preferred under Section 482 of the Code of Criminal Procedure seeking issuance of directions to official respondents No.1 to 3, for conducting a fair and impartial investigation and expeditious action against private respondents in case FIR No. 68, dated February 24, 2014, under Sections 323, 307, 506 & 34 of IPC, registered at Police Station Tauru, District Mewat.

In response to notice of motion, reply has been filed by

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official respondents by way of affidavit of Sumer Singh, HPS, Deputy Superintendent of Police, Tauru, District Mewat.

The preliminary submission contained in the reply-cum-affidavit, is relevant for disposal of instant petition, which reads as under:-

“That the detailed facts of the case are that the petitioner moved a complaint in the court of illaqua Magistrate with the allegations that on 04.07.2013, the petitioner was coming to her house from village Chhudpur on a motor cycle with her husband Mubarik and when they reached near T point of village Silkho, there was a traffic jam. It is also pertinent to mention here that the accused Bhura and his co-accused were present at the spot who encircled the complainant/petitioner and her husband with the intention to kill them. The petitioner also alleged the accused Arif pulled her husband down and accused Nazakat and Umar inflicted injuries to her and her husband Mubarik with iron roads. Accused Sahabu also inflicted a lathi injury and accused Sawai hit Mubarik with a iron rod. Accused Juber hit a iron rod on the head of her husband. The petitioner also alleged that due to the aforesaid injuries, her husband became unconscious. The petitioner raised alarm and Ayub s/o Jahagan and Farukh son of Umar came at

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the spot and saved them from the clutches of the accused. They have also extended threat to kill them in case legal action is taken against them. Thereafter, the injured Mubarik was shifted to Govt. Hospital at Nuh where he was medico legally examined and treated for the injuries suffered by him at the hands of accused. She further alleged that her husband was referred for higher management and during the course of treatment, it was alleged that the disk of the injured was dislocated. The aforesaid complaint of the petitioner was sent under Section 156 (3) cr. p.c. for the registration of criminal case against the accused upon which present FIR No. 68 dated 04.07.2014 u/ss 323/307/506/342 IPC was registered in police station Tauru and investigation was conducted by the local police. It is also pertinent to mention here that during the course of investigation, a rough site plan was prepared by the investigation officer. The medical treatment record of the hospital was put up to the medical officer for opinion upon which he rendered his opinion that the injuries suffered by the husband of the petitioner were simple and the allegation of extending threat to kill them was also not made out. It is also pertinent to mention here that during the course of investigation, it was also revealed that there was petty

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quarrel over Jam on the road near village Silkho T point and no cognizable offence has been found to has taken place, therefore, cancellation report has been prepared on 21.04.2014 and same was sent to the higher police authority for forwarding the same to the illaqua Magistrate which has been submitted in the court on 10.09.2015.”

A glance at the aforesaid paragraph transpires that the matter has been thoroughly investigated after registration of the FIR and investigating agency has already prepared the cancellation report on April 21, 2014, which has already been submitted in the concerned Court on September 10, 2015.

In view of the submission of the cancellation report in the Court, instant petition has rendered infructuous and the same is dismissed as such. However, the petitioner shall be at liberty to have recourse to the remedies available to her under law including filing a protest petition before the learned Jurisdictional Magistrate or a regular complaint against the private respondents, if she is not satisfied with the cancellation report.

April 28, 2016
Ankur

(JASPAL SINGH)
JUDGE