

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

Crl. Misc. No.M-7091 of 2015 (O&M)

Date of decision : 29.09.2016

Reena and another

.....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sapan Dhir, Advocate
for the petitioner.

Mr. J.S. Bhullar, A.A.G. Punjab.

Mr. S.S. Rangi, Advocate with
Ms. Avleen Kohli, Advocate
for respondent no.2.

ANITA CHAUDHRY, J.

The petitioners are seeking quashing of the complaint/cross-version recorded in FIR No.317 dated 13.07.2013, registered under Sections 323, 356, 452, 34 IPC at Police Station Tripuri Town, District Patiala lodged against them at the instance of respondent no.2/complainant.

The incident as narrated by the petitioner no.1 is that she had gone outside her house to meet her brother who lived in the same village. She was returning at 9:30 PM when some political leaders abducted her in a black Maruti car and took her to the fields where she was raped by Mandeep Singh and then by the other persons named by her. The petitioner's husband reached that place and informed the police and the matter was reported to the police but the FIR was not lodged. The petitioner then approached the High Court and during those proceedings the FIR was lodged on 15.01.2013

bearing No.13. The petitioner claims that the police was not taking any action and the accused were pressurizing her for compromise and had got some papers signed from her and Kuldeep Singh who was extending help to her in the matter. The allegations are that petitioner no.1 was again attacked on 12.07.2013 and she was taken to the Government Hospital from where she was referred to PGI, Chandigarh and then to Medical College, Sector 16, Chandigarh but the police lodged a false report and they were not taking any action in the two FIRs and cancellation report had been submitted in FIR No.19 dated 15.01.2013 and cancellation had been prepared for the incident which had taken place on 12.07.2013. It was pleaded that on the basis of a false complaint a cross-version was lodged by respondent no.2 in FIR No.317 and petitioners were granted bail.

The prayer made by the petitioners is that the cross-version in FIR No.317 dated 13.07.2013, which had been lodged against the petitioners on the basis of the complaint given by respondent no.2 should be quashed.

I have heard the submissions of both the sides and have perused the record.

Admittedly, the police has filed cancellation report regarding FIR No.19 dated 15.01.2013 and they have registered the cross-version of respondent no.2 and the petitioners have been challaned and the trial is going on. It is for the trial Court to examine the evidence and then record a finding. There are disputed facts and the petitioners can raise their defence at the appropriate stage. The disputed questions cannot be decided in a petition filed under Section 482 Cr.P.C. The petition is dismissed.

Nothing contained in this order shall be taken as an expression of the opinion on the merits of the case and those would be considered by the Court below on the basis of the evidence that the parties may adduce.

29.09.2016
Sunil

(ANITA CHAUDHRY)
JUDGE

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