

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1160 of 2016
Date of Decision: 14.02.2017

Kulwinder Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.NPS Mann, Advocate, for the petitioner.

Mr.Jaspreet Singh Sekhon, AAG, Punjab.

RITU BAHRI, J. (ORAL)

The prayer in the instant petition filed under Section 482 Cr.P.C. is for issuance of necessary directions to the respondents to conduct the proper investigation into the case of FIR No.63 dated 20.11.2014 registered under Sections 376, 511, 354 IPC and Sections 4,8 and 12 of POCSO act, 2012 at Police Station Gardhiwala, District Hoshiarpur and also to submit the challan in the matter.

On notice, reply was filed by way of affidavit of Parminder Singh, DSP dated 26.04.2016 whereby, during investigation of the said FIR, Mandeep Kaur sister of accused Amninder Singh submitted applications No.689 PS dated 28.07.2015 and 2409 SSP dated 18.08.2015 to the police authority and the said applications were marked to ASP Sub Division Dasuya and the ASP Sub Division Dasuya conducted the enquiry into the above FIR and recorded the statements of some residents of Village Mirzapur Jande, Distt. Hoshiarpur. They stated that Mandeep Kaur used to give tuition to the children in her village and she was married with Jeewan

Singh son of Gurdev Singh on 11.11.2011 and thereafter Jeewan husband of Mandeep Kaur forcibly entered into the house of Mandeep Kaur and caused injury and FIR No.21 dated 21.04.2013 under Section 323, 324, 452, 506, 148, 149 IPC was got registered against the Jeewan Singh etc. by Mandeep Kaur and since then she is residing in her parental house. Amninder Singh @ Lucky aged about 26 years brother of Mandeep Kaur and her parents are residing in the house. The inhabitants of the village stated that Amninder Singh @ Lucky is a person of good character. Manpreet Kaur daughter of Kulwinder Kaur complainant was taking tuition from Mandeep Kaur. Several children were taking tuition from Mandeep Kaur. On account of cases between Mandeep Kaur and her husband, Mandeep Kaur stopped to give tuition on 18.11.2014 at the time of alleged occurrence. Manpreet Kaur daughter of Kulwinder Kaur was not seen by anybody in the village while going to the house of Mandeep Kaur and no body heard the noise. Therefore the ASP Sub-Division Dasuya recommended to cancel the above-mentioned FIR. The enquiry report of ASP was also got verified by SSP Hoshiarpur and thereafter, the same approved by him. Thereafter, statement of victim Manpreet Kaur was placed on record by DSP Sub Division Tanda, Distt. Hoshiarpur Annexure R-1/T dated 08.11.2016. In this statement Manpreet Kaur has reiterated the version mentioned in the FIR.

Vide order dated 16.11.2016, new status report was ordered to be filed before this Court clarifying the enquiry report. The new status report was filed by way of affidavit of DSP, Sub Division Tanda, Distt. Hoshiarpur, whereby, it was submitted that on the applications dated 18.07.2015 and 18.08.2015 given by Mandeep Kaur wife of Jeewan Singh, the ASP, Sub-Division Dasuya joined the petitioner and victim Manpreet

Kaur daughter of the petitioner in the enquiry and the statement of victim Manpreet Kaur (Annexure R-1/T) dated 10.08.2015 was recorded in the presence of petitioner and after admitting the contents of the said statement, to be correct, the victim Manpreet and the petitioner put their signatures on the said statement. It has been clarified in this affidavit that petitioner and victim were associated by ASP in the inquiry. The cancellation report in the present case has been prepared on 21.11.2015 as clarified by ASI Major Singh.

Since cancellation report has been approved by SSP, Hoshiarpur, no further orders are required to be passed in the matter and the present petition is dismissed as such. However, liberty is given to the petitioner to take appropriate steps when challan is presented.

(RITU BAHRI)
JUDGE

14.02.2017

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>