

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

CRM-M-18013-2016

Date of decision-11.10.2017

Vijeta Kalia

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S.Hooda, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The instant petition under Section 482 Cr.P.C. has been filed for transfer of investigation of FIR No.15 dated 21.09.2015 registered under Sections 323, 354-A (1), 376 read with Section 511 and 377 of the Indian Penal Code (in short 'IPC') at Police Station Women, Sector-16, District Faridabad to some independent agency or superior official.

Notice of motion.

At the asking of the Court, Ms. Dimple Jain, AAG, Haryana accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

At this stage, Mr. Ankur Lal, Advocate causes representation on behalf of respondent Nos.4 to 6.

Learned counsel for the petitioner contends that local Police has colluded with the accused and has arbitrarily deleted Sections 376 read with Section 511, 377, 354-A (1) and 323 of IPC and added Sections 498-A and 406 of IPC.

On the other hand, learned State counsel and learned counsel

for respondent Nos.4 to 6 oppose the prayer of the petitioner.

I have learned counsel for the parties and have gone through the case file.

After detailed investigation and collecting sufficient evidence on record, it was found that the allegations contained in the FIR with regard to Sections 376 read with Section 511, 377, 354-A (1) and 323 of IPC were false and as such same were deleted. Respondent Nos.4 to 6 were challaned under Sections 498-A and 406 of IPC. At this stage, beyond the bald assertion of learned counsel for the petitioner, there is no evidence on record to suggest that the deletion of the Sections 376 read with Section 511, 377, 354-A(1) and 323 IPC is result of any collusion between the police and the respondents. The challan has already been presented against respondent Nos.4 to 6 under Sections 498-A and 406 of IPC.

Moreover, vide order dated 23.05.2016, the learned counsel for the petitioner was directed to place on record a copy of the MLR. However, despite availing sufficient opportunities, the order dated 23.05.2016 has not been complied with by the petitioner for the reasons best known to her.

In view of the above, no case for transfer of investigation of the present FIR to some independent agency is made out.

Dismissed.

October 11, 2017

vanita

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No