

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

CRM-M-25057-2016 (O&M)

Date of decision: 15.03.2017

Neelam

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.S. Barnala, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Ritu Bahri, J.

Petitioner is seeking transfer of investigation in case FIR No.88 dated 15.06.2016 (Annexure P-3), registered at Police Station, Bapoli, District Panipat pending with Deputy Superintendent of Police, Samalkha, District Panipat to the U.T. Police, Chandigarh or to an independent agency.

As per FIR (Annexure P-3), the petitioner belongs to Chaudhary (Jat) community of Haryana and is an educated lady. She, as per her own will, got married to a person belonging to OBC category. Due to this reason, she was subjected to atrocities and objectionable acts were committed upon her by the accused persons. Earlier, a compromise had been effected between the parties on 31.05.2016. In this regard, affidavits given by the petitioner and accused-Kuldeep are annexed as Annexures P-1 and P-2. Thereafter, on 11.06.2016, poison was administered to the petitioner by the accused in the presence of her husband by adding something in her cold drink. In this regard, FIR No.88 dated 15.06.2016, under Sections 307 and

Station, Bapoli, District Panipat. As per petitioner, a fair investigation is not being conducted by the police in this case.

Upon notice, reply on behalf of respondent Nos. 1 to 3 has been filed by way of affidavit of Deputy Superintendent of Police, Samalkha, District Panipat, wherein it has been stated that after registration of FIR (Annexure P-3), relevant call details of Kuldeep-respondent No.6 and Rajesh, husband of petitioner, were obtained. On the day of incident i.e. 11.06.2016, from 10.45 A.M. to 02.17 P.M, location of mobile phone of respondent No.6 was found at village Khanpur, District Sonapat. Further, location of mobile phone of Rajesh (husband of petitioner) at 10.03 A.M., was found at Shiv Mandir, Beholi, District Panipat and at 11.04 A.M., the same was found at Gandhi Colony, Hathwala Road, Samalkha. His location was again found at Shiv Mandir, Beholi at 11.30 A.M. After getting medical opinion and conducting thorough investigation, FIR (Annexure P-3) was cancelled on 26.06.2016. Thereafter, on 13.07.2016 further investigation of the case was ordered by Superintendent of Police, Panipat-respondent No.3 vide Annexure R-4. About 20 persons were involved during further investigation of the case. It was found that respondent No.6 and one Narender were business partners. There was monetary transaction between them. Narender had to pay an amount of Rs.37 lakhs to respondent No.6. Accordingly, he gave a cheque of the said amount to respondent No.6, which on presentation, had been dishonoured. Due to this reason, respondent No.6 filed a complaint under Section 138/142 of Negotiable Instruments Act against Narender. Thereafter, Narender compromised the matter by giving a sum of Rs.20 lakhs to respondent No.6. Rajesh, husband of petitioner, was middleman in the said compromise. He also stood as

guarantor for the remaining amount payable by Narender to respondent No.6.

During investigation, mother-in-law of petitioner namely Indro along with Neelam and some other persons disclosed that there was monetary transaction between respondent No.6 and Narender. One more application was made before the Medical Officer, PGI, Khanpur, District Sonapat, regarding the nature of poison consumed by the petitioner. The Medical Officer gave his opinion on 03.08.2016 (Annexure R-5) to the effect that there was no sign or symptom suggestive of poisoning was present. After investigation, Section 307 IPC was dropped from the FIR and Sections 354/511 IPC were invoked.

On 26.01.2017, cancellation report prepared by the Investigating Officer has been approved by the Superintendent of Police, Panipat.

Keeping in view the above fact, a direction is given to the official respondents to file the cancellation report before the Illaqa Magistrate within one month from the date of receipt of certified copy of this order. The petitioner is at liberty to avail the efficacious remedy before the Illaqa Magistrate/trial Court in accordance with law.

15.03.2017
ajp

(RITU BAHRI)
JUDGE

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