

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40903-2016

Date of Decision:- 25.04.2017

Nishi Kumari

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Singh, Advocate, for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

RITU BAHRI, J. (Oral)

This petition is for seeking directions to respondent Nos.1 and 2 to protect the life and liberty of the petitioner and further directing them to register an FIR under Section 376 IPC against the private respondent and to take action on the application dated 18.10.2016 (Annexure P-1).

Upon notice, reply filed by Deputy Superintendent of Police, Palwal taking therein the stand that FIR No.566 dated 19.02.2016 under Sections 384, 506 and 120-B IPC was registered at Police Station City, Palwal on the complaint of Mohd. Khalid against the petitioner along with her two co-accused, namely, Munni and Shokeen. The matter was investigated, the accused was arrested along with her co-accused Shokeen on 20.09.2016 and during investigation both the accused suffered their confessional statement and admitted their involvement in the commission of the said crime. With respect of complaint dated 18.10.2016, it has been

stated that a detailed enquiry has been conducted and during the course of inquiry petitioner, her brother Kuldeep and Mohd. Khalid son of Mohd. Sharif joined the inquiry. Thereafter it has been found that the petitioner never moved any complaint in the Woman Police Station and all the contents of the application were found false.

On 09.02.2017, the present matter was adjourned to 25.04.2017 to enable the learned State counsel to file affidavit explaining therein as to when the complaint has been received in the office of SSP, Palwal.

In compliance of above-said order, reply has been filed by Superintendent of Police, Palwal, on behalf of respondent Nos.1 to 3 along with copy of report (Annexure R-1). As per the record, complaint bearing No.4470-P of the petitioner was received on 18.10.2016. The detail of said complaint is as under: -

“To, Superintendent of Police, Palwal, Distt. Palwal, Sir, it is submitted that I Nishi Kumar wife of Banti is the permanent resident of village Bikapur, Tehsil Hardoi, Distt. Hardoi. My husband is driver on the vehicle of Jakir r/o village Gurnawat, Tehsil Tauru, Distt. Mewat. About 10 days prior I dialed to my husband who replied that he was in Madras and receive money from Jakir r/o village Guranwat. On reaching there my health become down, from where wife of Jakir brought her to Amina Hospital, Palwal. He called me after about two/three days. When I reached for Ultrasound, heavy rush was there. From where I came to market after fetch Rickshaw. All the shops were closed in the market. After conducting search one shop was found open. I engaged my self to see the doctors in the shop. Unknown shopkeeper administered me some thing in the Limca drink on the pretext that there was hot, he also stated that the drink will waste and drink it. After drink I became unconscious. When I regained consciousness there was 1:30. I see my Salwar was open and my clothes were dirty. I asked shopkeeper why the shutter is down and what you did with me and thereafter he threatened her and if she will disclose to any body she will be done to death. She left there and in the way she demanded phone from some one and dialed to owner of the vehicle and he said that he is out of station and one boy was being sent at Palwal and tell me where he was send. I called him at

Amina Hospital and he come. Shriman Ji I gave one application in this regard to the S.P. and Woman Police Station dated 18.9.2016, upon which police brought Mohd. Khalid from the Masjid. But no action was taken qua him and released in the night. Mohd. Khalid filed complaint me and my other three companion. Upon which P.S. City Palwal lodged FIR qua us under Sections 384, 506, 120-B IPC, upon which Jakir was nabbed from Bye pass Ballabgrarh by SHO Abbas CIA. He was beaten in CIA Hodal, P.S. Sadar Palwal for changing the statement. Though I applicant Nishi was badly beaten by Anju as I in Woman Police Station Palwal on asking of Hazi Yunus son of Alla Mehar and threatened to give electricity shock. Amjad also beaten me. Abbas gave me kicks. IO of P.S. City beaten me, Shokin and Jakir in Woman Police Station. Abhimanyu DSP also beaten me. Anju remanded me for two days forcibly. Aamir and Sulemnan threatened me. I forcibly remained in woman police station Palwal on 18.9.2016 till 21.9.2016 and produced me in the Court on 21.9.2016. I released from jail after getting bail on 15.10.2016. My cell phone was laying in the woman police station since 18.9.2016, which sim no.9694667486 is inserted. The application is being submitted to you for taking appropriate action qua the culprits.”

As per enquiry report (Annexure R-1), complainant Nishi along with her companions Munni, Jakir and Shokin conspired to extort money from Mohd. Khalid on making false allegations against him and no truth was found in the allegations of beating in the Woman Police Station by DSP Abhimanyu and ASI Anju.

After hearing the learned counsel for the parties, going through the detailed enquiry report (Annexure R-1), no further action is required to be taken in the present matter and accordingly the present petition filed by the petitioner is hereby dismissed.

April 25, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No