

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

CRM-M-42645-2015

Date of decision: 24.11.2017

Babita Kumari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.HK Bhardwaj, Advocate for the petitioner

Mrs.Anju Arora, Addl.AG, Punjab

Mr.Vishal R.Lamba, Advocate for respondent Nos. 8 to 12

JITENDRA CHAUHAN, J.

The present petition under Section 482 of the Code of Criminal Procedure has been filed for issuance of directions to respondent Nos. 1 to 5 to insert the name of respondent Nos. 8 to 12, 14 and 15 as accused in FIR No.157 dated 8.6.2014 under Sections 363 and 366 IPC and Section 4 of The Protection of Children from Sexual Offences Act, 2012 (for short 'Act 2012') already registered against respondent No.13 at Police Station Dera Bassi and also to add Sections 376D, 452, 506, 341, 148, 149, 120-B IPC.

On the basis of the statement of father of the prosecutrix, the present FIR was registered against Bahadar Singh (respondent No.13), wherein it has been averred that accused Bahadar Singh visited his house and remained till 10.30 p.m., thereafter he left the house. On the

next morning, they came to know that their daughter Babita was missing and they also came to know that accused -respondent No.13-Bahadar Singh was also missing.

Learned counsel for the petitioner submits that as per the statement recorded under Section 164 Cr.P.C., of alleged victim- Babita, the prosecutrix has named all the private respondents, who in connivance with each other had kidnapped her and thereafter committed rape upon her. He further submits that the police under the influence of the private respondents is trying to shield them.

On the other hand, learned State counsel submits that during investigation, it has come to light that the petitioner and accused Bahadar Singh being citizen of Nepal were on visiting terms for the last 15 years. On 31.5.2014, accused Bahadar Singh enticed the petitioner and took her away. Respondent Nos. 8 and 9 beyond being employer of the accused have nothing to do with the case and due to party faction in the village, they have been implicated to extract money from them, whereas, respondent Nos. 11 and 12 have been introduced in the FIR on account of some dispute pending between them and the complainant. During investigation, it has been found that nobody had seen respondent No.10 driving the car of respondent No.8 at any point of time. Moreover, respondent No.15, who is son of respondent Nos.8 and 9, was not in India. On the basis of the investigation, offences under Section 376 IPC and Section 4 of POCSO Act have been added later on in the FIR and the final report under Section 173 Cr.P.C. has been filed in the

Court. Accused Bahadar Singh is absconding and therefore, PO proceedings have been initiated against him by learned trial Court.

Heard.

In the present case FIR has been registered against the accused-respondent No.13. After detailed investigation, a report under Section 173 Cr.P.C. has been filed in the trial Court. Accused-respondent No.13, Bahadar Singh is absconding and PO proceedings have been initiated against him by learned trial Court. Simply because a person has grievance that after registration of FIR, proper investigation has not been done by the police, instead of rushing to this Court by way of a petition under Section 482 Cr.P.C., the petitioner has alternative remedies available to her. If need be, the trial Court has power under Section 319 Cr.P.C. to proceed against other persons appearing to be guilty of the offence. The Court feels that it is not a fit case to invoke the inherent jurisdiction conferred under Section 482 Cr.P.C.

Dismissed.

24.11.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No