

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 37910 of 2017(O&M)

Date of Decision: February 02 , 2018.

Reeta Kumari

..... PETITIONER (s)

Versus

M/s Elchen International Ltd. and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

LISA GILL, J.

The petitioner is aggrieved of order 19.05.2015 passed by the learned Judicial Magistrate First Class, Faridabad as well as order dated 31.07.2017 passed by the learned Additional Sessions Judge, Faridabad whereby the petitioner's application under Section 156(3) Cr.P.C. was declined and the learned trial court has proceeded by directing the preliminary evidence of the complainant to be led.

Learned counsel for the petitioner vehemently argues that great prejudice would be caused to the petitioner in case the impugned orders are not set aside. The learned courts below have grossly erred in not appreciating the facts and circumstances of the case in proper perspective and have wrongly dismissed the application under Section 156(3) Cr.P.C. moved by the petitioner.

Therefore, the present petition be allowed.

Brief facts necessary for the adjudication of the case are that, the petitioner filed a complaint under Sections 323/354B/306/406/365/366/376/511/342/504/509/506/211/469/120B/34 IPC and Sections 3/4/5 Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. An application under Section 156(3) Cr.P.C. was also filed by the complainant for referring the matter to the concerned police station. As per the said complaint, allegations were raised that the complainant was subjected to physical, mental and sexual harassment at the hands of respondents No.2 to 11. False allegations of embezzlement of ₹1,95,081/- were levelled against the complainant. The accused persons under the garb of false allegations of embezzlement, started harassing and humiliating the complainant, which was further aggravated when they came to know that the complainant belonged to the Scheduled Caste category. Allegations have been raised in respect to a incident which took place on 21.04.2014. It is further stated that a false FIR was registered against the complainant. The details of the allegations are mentioned in the grounds of revision attached as Annexure P2 with this petition. It is stated that the police officials did not take any action against the accused persons. Therefore, a complaint alongwith application under Section 156(3) Cr.P.C. was filed.

The learned trial court vide order dated 19.05.2015 adjourned the matter for leading the preliminary evidence of the complainant. The petitioner's application under Section 156(3) Cr.P.C. was declined. The petitioner preferred a revision petition against the said order dated 19.05.2015, which was dismissed by the learned Additional Sessions Judge, Faridabad vide detailed order dated

31.07.2017. The learned Additional Sessions Judge, Faridabad after taking into account the entire factual matrix of the case observed that the complainant/petitioner filed the present complaint only after the registration of the criminal case, FIR No.355 of 2014 under Sections 420/406/506/34 IPC. It is observed by the learned Additional Sessions Judge, Faridabad as under:-

“7. From perusal of lower court record it is revealed that the revisionist had filed a complaint under Sections 323, 354B, 306, 406, 365, 366, 376, 511, 342, 504, 509, 506, 211, 469, 120B, 34 IPC, 3, 4, 5 SCT/ST Act & IT Act against the respondents before the learned Illaqa Magistrate on 19.5.2015. In para no.6 of her complaint the revisionist had mentioned that on 22.4.2014 she had approached the police against the act and conduct of the respondents but no action was taken by the police. Further according to her she had given several complaints before the higher authorities. In para no.7 of her complaint the revisionist has alleged that on 2.6.2014 when she went to police station Sector-55, Faridabad she was given beatings by the police officials. In para no.9 of her complaint the revisionist has mentioned that the respondents No.2 to 12 got a false case bearing FIR no.355/14, under Sections 420, 406, 506, 34 IPC registered against her. Thereafter, though the revisionist had given the detail as and when she had approached the police time and again but even then, the revisionist has failed to explain the delay of about one year in filing the private complaint against the respondents. Also, as has been pointed out by learned counsel for respondents the fact that the complaint had been filed by revisionist only after registration of criminal case of cheating against her can be overlooked.”

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order whereby the learned trial

court has proceeded to direct the complainant to lead preliminary evidence while declining the application under Section 156(3) Cr.PC.

Keeping in view the facts and circumstances of the case, I find no ground to interfere in impugned order dated 19.05.2015 passed by the learned Judicial Magistrate First Class, Faridabad as well as order dated 31.07.2017 passed by the learned Additional Sessions Judge, Faridabad in exercise of jurisdiction under Section 482 Cr.PC.

Petition is accordingly dismissed.

February 02 , 2018.
'om'

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No