

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

**CRM-M-42599-2017
Date of decision: 07.03.2018**

Munesh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

Ms. Trishu Singh, Advocate
for respondent No. 4 to 10.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of direction to the official respondents to entrust the investigation of FIR No. 89 dated 04.04.2015, registered under Section 306 IPC at Police Station Badhra, District Bhiwani (now District Charkhi Dadri) to an independent agency or a Special Investigation Team.

Upon notice, appearance has been caused on behalf of the official respondents as well as private respondents. Status report, on behalf of official respondents, has been filed in Court today, in which it is stated that FIR No. 89 dated 04.04.2015, under Section 306 IPC was registered at Police Station Badhra, District Bhiwani and investigation was conducted by SI Subhash Chander and verification of the case was conducted by DSP, Loharu. During the course of investigation, the suicide note was sent to FSL for examination of hand writing expert and the same has been verified to

have been written with the hand writing of the deceased. During investigation, all the named accused were joined in investigation and it was found therein that the petitioner had got registered FIR No. 258 dated 28.12.2012, under Sections 354, 452, 506 and 34 of the IPC at Police Station Badhra against respondent No. 4-Rajbir and two unknown persons. During her statement, recorded under Section 164 Cr.P.C., the petitioner improved her version and also levelled allegations of rape against respondents No. 4 to 6, however, during trial, the petitioner turned hostile. Resultantly, all the accused were acquitted by judgment dated 06.06.2013. The petitioner and her deceased husband Ajit were also having a matrimonial dispute amongst themselves. The petitioner had submitted a complaint in this regard, upon which FIR No. 205 dated 02.09.2013, under Section 435 IPC was registered at Police Station Badhra against the deceased, however, the petitioner again turned hostile and the husband was acquitted. In the present FIR, upon the complaint submitted by the petitioner, the investigation of the case was transferred to District Jhajjar by the Inspector General of Police, Rohtak Range, Rohtak and the same was conducted by Hans Raj, HPS, DSP/HQ, Jhajjar. During investigation and from the statements of witnesses and other respectables of the village, no evidence has come on file to indicate the involvement of private respondents No. 4 to 10. The petitioner and her deceased husband nursed a grudge against the private respondents as would be reflected from the earlier FIR that had been registered. After in depth investigation, cancellation report has been prepared in the case and the same is to be submitted in the Court soon.

I have heard learned counsel for the parties and in view of the

submissions made in the status report, this Court finds no reason to interfere in the matter any further.

Accordingly, the petition is disposed of. However, the petitioner is given liberty to challenge the cancellation report, as soon as it is filed, in accordance with law.

07.03.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No