

CRM-M-48294-2018

Date of Decision : 31.10.2018

Naveen Kumar

.....Petitioner

versus

UT of Chandigarh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Abhinav Gupta, Advocate
for the petitioner.**FATEH DEEP SINGH, J. (ORAL)**

Upon hearing learned counsel for the petitioner and on perusal of the records, since the present FIR No.398 dated 17.10.2018 under Section 376 (2) of the Indian Penal Code (for short 'the IPC') pertaining to the Police Station, Sector 31, Chandigarh (Annexure P-6), is quite different and distinct from the earlier FIR bearing No.124 dated 24.04.2018 under Sections 420, 406, 120-B of the IPC and Section 66 of the Information Technology Act, 2000 (for short 'the Act') and FIR No.226 dated 10.06.2018 under Section 420 of the IPC and Sections 66 (C) and 66 (D) of the Act, as there are direct allegations levelled by the prosecutrix against the petitioner, who at the given point of time happens to be one of the officials, assisting in the investigation of the case and thus, the arguments that has been sought to be raised by the learned counsel regarding an ill-will arising out of the initial FIRs with the official respondents does not bear any semblance. However, in the interest of justice and to ensure that

there remains no misgiving in the mind of the petitioner, official respondents are directed to ensure that the subject matter of present FIR is investigated fairly, in accordance with law and also to ensure his representation is duly considered. However, this order shall not come in the way of the authorities to proceed against the petitioner regarding any allegations, whatsoever, that might have come up till date.

Disposed of in those terms.

31.10.2018
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No