

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

Crl. Misc. M 49507 of 2017 (O&M)
Date of decision : 11.7.2018

Sonal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Satbir Rathore, Advocate,
for the petitioner.

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

Ms. Kiran Bala Jain, Advocate with
Mr. Prabha Sharma, Advocate.

JAISHREE THAKUR, J. (Oral)

1. This is a petition that has been filed under Section 482 of the Code of Criminal Procedure for issuance of a direction to respondents No. 2 to 4 to take appropriate action against the accused persons mentioned in FIR No. 51 dated 13.11.2017 under Sections 376-D, 506 IPC registered at Police Station Women Cell, Yamuna Nagar, District Yamuna Nagar.

2. Notice of motion had been issued, pursuant to which a status report has been filed by Anil Kumar, HPS, Deputy Superintendent of Police Headquarters, Yamunanagar.

3. A reading of the status report would reflect that the matter was thoroughly investigated. Initially, the complainant did not cooperate with

the investigating agency nor joined the investigation despite several messages having been sent to her in this regard for recording her statement under Section 164 of the Code of Criminal Procedure and for her medical examination. The parents of the complainant were also to be examined on 14.11.2017 and 15.11.2017, but they also did not present themselves before the Investigating Officer. Telephone calls were also not attended to. However, the petitioner finally joined the investigation and got her statement recorded under Section 164 of the Code of Criminal Procedure and also submitted herself for medical examination conducted before the Civil Hospital, Yamunanagar. The call details were taken into consideration and the same have been analyzed by the Investigating Officer and a perusal thereof would reveal that the tower location of the mobile of the complainant was in Yamunanagar upto 4.30 p.m. on 24.8.2017 and the same shifted thereafter and, therefore, the complainant was not present in Yamunanagar at the time of alleged incident i.e. 6 p.m. on 24.8.2017. On further analysis of the call details of the accused, it was revealed that the accused persons never came to Yamunanagar at Bhatia Buildings on the date as alleged incident. In totality, the investigation would reveal that no such occurrence took place. Moreover, the statement of the petitioner was also recorded where she stated that she has initiated action against the accused at Saharanpur and did not want any action to be taken at Yamunanagar.

4. Based on the investigation and in view of the statement recorded, a cancellation report has been prepared and filed before the Illaqa

Magistrate in which notice has been issued to the complainant.

5. For the reasons recorded above, this Court is not inclined to interfere in this petition. Dismissed, leaving it open to the petitioner to take her legal recourse in accordance with law.

11.7.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No