

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

CRM-M No.6986 of 2019

Date of decision: 14th February, 2019

Pinki

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.S. Kathuria, Advocate for
Mr. Amardeep Sheoran, Advocate for the petitioner.

FATEH DEEP SINGH, J.

Petitioner Pinki through this invocation under Section 482 Cr.P.C. had sought direction to the official respondents No.1 to 3 to initiate arrest proceedings against accused respondent No.5 Naveen Yadav in respect of case bearing FIR No.16 dated 03.02.2019 under Sections 376, 506 IPC pertaining to Police Station Women Manesar, District Gurugram and sought transfer of the investigations after attributing malice, ill-will, collusion to the official respondents with the private respondent.

Upon hearing Mr. M.S. Kathuria, Advocate appearing on behalf of Mr. Amardeep Sheoran, Advocate for the petitioner and perusal of the records. Admittedly, the petitioner is a widowed lady and claims to have been in a business and dealing with private respondent Naveen Yadav for the last about ten months. It is alleged that two days prior to

the present complaint, the private respondent on a fraudulent pretext called the prosecutrix at hotel Park Inn around evening time, where she arrived along with her minor son aged seven years. It is the complaint of the petitioner that thereafter the private respondent took her in a vehicle at a deserted place and threatened her as well as her son with elimination and forced her into physical relationship with the private respondent. Subsequently, the petitioner claims that she was taken to RC hotel Rewari and there too she was kept throughout the night and was violated by the private respondent. It is subsequent thereto, the present case was got registered. The main grouse of the petitioner through this petition is to arrest the private respondent and to transfer the investigation to a police official not below the rank of Superintendent of Police.

Appreciating the arguments of the learned counsel for the petitioner, admittedly, the petitioner is a grown-up mature lady and accepts that she was known to the accused over a long period of time and had developed physical relationship with him and as is there in the petition, the prosecutrix refused to undergo medico-legal examination and has even refused to make statement before the Magistrate under Section 164 Cr.P.C. In spite of the same, as is reflected from her claim, the FIR in question was got registered and the accused was arrested. Since the law has taken its recourse and after furnishing of information of a cognizable offence the police have swung into action and therefore the investigations are being carried on. Merely because the private

respondent accused has not been rearrested, does not mean or can be construed that the investigations are fudged, necessitating intervention by this Court. From the foregoing discussions, no case to show indulgence by this Court is made out. The petition being devoid of any merit stands dismissed. However, it is made clear that this will not come in the way of the petitioner to invoke jurisdiction of this Court afresh, if so necessitated.

(FATEH DEEP SINGH)
JUDGE

February 14, 2019

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No