

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

**CRM M-14846 of 2016
Date of Decision: October 29, 2019**

Kamaljit KaurPetitioner
Versus

State of Punjab and others ... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. S.P. Soi, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

Heard.

Record perused.

Petitioner Kamaljit Kaur in her allegations claimed that the police officials including respondents No. 4 and 5 on 29.05.2019 around 10.30 p.m. came to her house on the plea to know the whereabouts of her son Ravi and finding him not present at the home took her away to the Police Post Malsian without any lady constable and where the petitioner alleges that she was physically assaulted, dealt with obscenely and after she felt unconscious left her at uncle's home on 30.05.2015 at 12.30 p.m. and, hence, sought the relief to register an FIR and took suitable action against the official respondents.

In their response by way of reply, the State in the affidavit of Jaswinder Singh Brar, P.P.S., Deputy Superintendent of Police, Sub-Division Shahkot Jalandhar has taken the stand that son of the petitioner was involved in a case got lodged by respondent No. 6 under Section 376-D IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 by way of FIR 119 dated 25.05.2015 pertaining to Police Station Shahkot Jalandhar. It is claimed that upon the complaint of the complainant, the matter was investigated and inquired, in which, statements of respectables and the witnesses were too recorded and the inquiry report had exonerated the police officials and found the allegations to be false.

Appreciating the submissions of the two sides, it is duly conceded by the two sides that it was on the complaint of complainant Razia that her minor daughter a drop out of 10th class was taken away on a motorbike by one Raju to sunflower fields where Ravi (son of the present petitioner) was present, who both defiled her and prepared her video and it was on the registration of that case and regarding the allegations that have come about, the police had conducted raid at the house of the petitioner. To the specific query of the Court, the learned counsel for the petitioner could not answer how the petitioner substantiates her claim that she was physically assaulted by the police at the Police Station and had it been so the medical

evidence ought to have corroborating the same. The documents of the hospital annexed therewith only give history of sexual assault but no where it was borne out from the medical record in any manner. Accordingly, detailing the history of the patient/attendant does not *suo moto* establish assault as it appears to be an act of feigning by the petitioner for a motivated cause. The Court while adjudicating such a sensitive issue needs to be alive to the background, in which, this petition has come about. The police had registered an FIR against the son of the petitioner on 25.05.2015 and it is only on 06.06.2015 as has sought to be assailed by the counsel for the petitioner, the first semblance of the allegations by way of photostat copy of the letters have come about.

The contention that has sought to be raised by the counsel for the petitioner by seeking support from **Lalita Kumari Vs. Govt. of U.P. and others 2014(1) SCC(CrI) 524**, does not cut much ice for the petitioner since there is no apparent commission of cognizable offence in the present allegations of the petitioner and it does not necessitate so, as it is in any manner a pure misadventure by the petitioner over a motivated cause as a counter-blast to teach the police a lesson for having registered an FIR against the son of the petitioner for heinous offence of gang rape. In the totality of what has come, there appears to be no credible and trustworthy averments

necessitates the Court to take cognizance on the petition of the petitioner and finding no merits, the petition as such stands dismissed.

October 29, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No