

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.114

CRM-M-9627-2019 (O&M)

Date of decision : 13.3.2019

Sumitra Devi

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Meenakshi Singh, Advocate, for the petitioner.

SUDHIR MITTAL, J.

The present petition has been filed under Section 482 Cr.P.C. with a prayer that investigation of DD No.13 dated 30.5.2001, registered at Police Station Kanina regarding the missing of the father of the petitioner be transferred to an independent investigating agency like Central Bureau of Investigation (CBI) and for directions to register an FIR on the basis of various affidavits executed by the alleged eye-witnesses and to conclude the investigation speedily.

The father of the petitioner, namely, Ram Chander son of Sh. Bhola Ram, is allegedly missing since 13.4.2001. In this regard, DD No.13 dated 30.5.2001, has been registered at Police Station Kanina, District Mahendergarh, by the petitioner, but the police has allegedly not taken any action thereupon. Thereafter, a representation was submitted to the Superintendent of Police, Narnaul, sometime in the year 2016 (Annexure P1) stating that some persons of the village Rambass had informed the petitioner that her brother-Vijay Singh (Respondent No.6), his daughter Rina and son of brother-in-law Gajraj Singh, had murdered her father. The names of the persons, who allegedly informed the petitioner are also mentioned in the representation. Accordingly, the prayer was made for getting the

investigation conducted through CIA/Economic Cell.

Affidavits executed in the year 2017 by various persons have been annexed as Annexure P2 with the petition. Interestingly, these affidavits are not of the persons mentioned in the complaint (Annexure P1). Another representation dated 8.1.2018 (Annexure P3) was also submitted before the Superintendent of Police, Narnaul. Prior thereto, a petition No.CRM-M-43620-2016 titled as Sumitra Devi Vs. State of Haryana and others, was preferred before the High Court under Section 482 Cr.P.C. claiming the same relief as in the present petition. This petition was disposed of with a direction to the Superintendent of Police, Narnaul, to look into the complaint made to him. Thereafter, the said official passed order dated 23.5.2017 (Annexure P6), wherein it is recorded that after receipt of complaint (Annexure P1), an enquiry was conducted by associating the complainant, the alleged accused persons and the persons mentioned in the complaint (Annexure P1), who had allegedly informed the petitioner regarding her father having been murdered by respondent No.6. It was found that the father of the petitioner had not been heard of after 13.4.2001, but no one said anything about him having been murdered. It has also been noticed therein that while filing a suit for specific performance, the petitioner herself had averred that her father had been missing for a long time and thus, his civil death should be declared. Accordingly, the complaint was ordered to be filed. After making representation (Annexure P3), the petitioner filed another petition in this Court viz. CRM-M-22570-2018, which was dismissed as withdrawn vide order dated 24.5.2018 (Annexure P7) with liberty to the petitioner to avail the appropriate remedy.

Learned counsel for the petitioner submits that the father of the petitioner had been murdered way-back in the year 2001 and till date, the police had not registered an FIR and no action had been taken against the accused persons. The police had been informed on a number of occasions that the petitioner suspects her brother-respondent No.6, but still, no action has been taken against him as he is an influential person. Thus, it is a fit case where the investigation should be transferred to the CBI.

It may be noted that the missing person report is of the year 2001. Thereafter, the first representation made by the petitioner to the police, is of the year 2016, wherein she has made allegations against her brother-respondent No.6 as well as a couple of his relatives. Based on the said representation (Annexure P1), the Superintendent of Police, Narnaul, has conducted an enquiry dated 23.5.2017 (Annexure P6), with which the persons named in the complaint as witnesses as well as the petitioner and the accused have been associated. A finding has been returned that there is no incriminating material against respondent No.6. In this report, reference has also been made to a civil suit filed by the petitioner, in which she herself had averred that her father had been missing for a long time and that his civil death should be declared. This enquiry report has never been challenged by the petitioner. A fresh representation dated 8.1.2018 (Annexure P3) had made to the Superintendent of Police, Narnaul, and therefore, a second petition was filed before this Court seeking directions. The second petition was dismissed as withdrawn vide order dated 24.5.2018 (Annexure P7). Consequently, the third petition for identical reliefs is not maintainable without any change in circumstances. The petitioner has not availed any

other remedy and has reiterated her earlier allegations by placing reliance upon certain affidavits allegedly executed in the year 2017, which have not been executed by the persons named as witnesses in the first complaint (Annexure P1).

It is thus, apparent that the petitioner is flogging a dead horse with some ulterior motive. There is allegedly civil litigation pending between the petitioner and her brother as is evident from order dated 24.5.2018 (Annexure P7) and it appears that she is wanting to pressurize him through criminal proceedings.

For the aforementioned reasons, there is no merit in this petition. The same is dismissed, however, with liberty to the petitioner to file a private complaint, if so, advised.

(SUDHIR MITTAL)
JUDGE

13.3.2019
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes/ No