

CRM-M-20870 of 2018

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

CRM-M-20870 of 2018
Date of Decision: 09.01.2019

Kapil

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. S.K. Daaria, Advocate, for the petitioner.
Mr. P.K. Garg, AAG, Haryana.
Dr. Anand Bishnoi, Advocate, for respondents No.2 and 3.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. complainant has assailed order dated 06.07.2017 (Annexure P-10) of the learned Chief Judicial Magistrate, Rewari and order dated 14.12.2017 (Annexure P-12) of the revisional Court, dismissing his application under Section 311 Cr.P.C. for leading additional evidence.

Briefly, according to the prosecution, petitioner, a student studying in Suraj Public School, Rewari, on 01.12.2014 was given beating by PTI teacher Dinesh Kumar on two counts that (i) he had not cut his hair and (ii) was not in proper dress. Thereafter, petitioner was brought in the office of the Principal, where said PTI teacher and Principal again beaten him up. When petitioner came back home after closure of school, he being perturbed, consumed some drug used for eliminating mouse. Resultantly, he became unconscious and was shifted to Fortis Hospital, Gurgaon for treatment.

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On these broad allegations, FIR No.4 dated 02.01.2015 under Sections 323, 342 and 34 IPC was registered against respondents No.2 and 3 at Police Station Dharuhera, District Rewari.

After framing of charge, during prosecution evidence in affirmative, petitioner-complainant moved application under Section 311 Cr.P.C. to prove his alleged two representations dated 08.04.2015 and 24.04.2015 moved before SHO, Police Station Dharuhera and Superintendent of Police, Rewari, respectively, levelling allegations of sexual harassment by PTI Dinesh Kumar, which, after hearing both the sides, has been dismissed by the trial Court vide impugned order. The revisional Court has affirmed the same.

Learned counsel for the petitioner *inter alia* contends that both the aforesaid applications moved by the petitioner on 08.04.2015 and 24.04.2015 are very much necessary to be produced on record for just and effective adjudication of the case. Petitioner is a minor. He was sexually abused by respondent No.2, which fact he could not disclose earlier being perturbed and frightened on account of his severe beating by respondent No.2.

On the other hand, learned counsel for respondents No.2 and 3, opposing the above submissions, contends that aforesaid complaints allegedly filed after more than four months of the occurrence did not ever see the light of the day. Even otherwise, story introduced therein about sexual harassment of the petitioner by respondent No.2 is afterthought and concocted one. Therefore, the same is not required for any purposes.

Having given thoughtful consideration to the rival submissions,

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this Court finds instant petition completely devoid of any merit for the reasons to follow.

There is no *iota* of evidence on the record that petitioner ever remained under treatment after his discharge from the hospital on 01.01.2015. On the next very date of his discharge from hospital, petitioner got lodged the aforesaid FIR narrating entire incident and happenings with him. However, at that time petitioner did not level any allegations against respondent No.2 about his sexual harassment. It is only after more than four months of the occurrence, the petitioner awake out of a great slumber and allegedly moved two complaints on 08.04.2015 and 24.04.2015 before SHO Police Station Dharuhera and SP, Rewari, levelling allegations of sexual harassment to him by respondent No.2. Whether the petitioner ever moved such applications, is also a matter of debate inasmuch as alleged applications have not seen light of the day till date. Therefore, the same can be termed as afterthought and colourful version of the petitioner against respondents No.2 and 3 to take revenge against his alleged beating by them. That apart, there is no explanation from the petitioner's side as to why and under what circumstances, he did not narrate the incident of his sexual harassment in his initial version.

I have gone through the impugned orders of both the Courts below and find no illegality or perversity in the same.

Dismissed.

(RAMENDRA JAIN)
JUDGE

January 09, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No