

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-38238 of 2018 (O&M)
Date of decision : May 29, 2019

Pooja Batra

....Petitioner

versus

Director General of Police, Punjab and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Lekh Raj Sharma, Advocate, for the petitioner

Mr. Rakesh Inder Singh Sidhu, AAG, Punjab, for the
State/respondents no. 1 to 3

Fateh Deep Singh, J. (Oral)

Petitioner Pooja Batra who has invoked jurisdiction of this Court seeking exercise of inherent powers by the Court by invoking Section 482 of the Code of Criminal Procedure (in short, the Cr.P.C.) happens to be the wife of respondent no. 4 Vishal Batra. It is the stand of the petitioner that it is her third marriage with respondent no. 4 which took place on 13.4.2017 wherein sufficient dowry articles were given. However, private respondents who

happen to be the husband and his family members were unhappy with it and started harassing and torturing the petitioner after one month of the marriage. The wife claims that on 6.6.2017 the husband and his mother pushed her in the staircase as a consequence of which she received injuries and claimed that again on 11.6.2017 she was again attacked by the same duo and was hospitalized. The petitioner has even alleged that in the month of December, 2017, the father-in-law while family was away entered kitchen where the petitioner was washing utensils, acted in an obscene manner and has levelled insinuation against each of the private respondents alleging that while petitioner got pregnant, the husband in conspiracy with his co-accused on 28.2.2018 on fraudulent pretext got her admitted in a hospital and got her pregnancy aborted. Thereafter, the wife claims that she was again physically abused on 22.4.2018 and ultimately she got lodged the FIR Annexure P/9 as well as obtained her medico legal reports. However, the petitioner aggrieved over the nature of the investigations has sought constitution of Special Investigation Team to investigate the allegations which she claims needs to be headed by senior IPS Officer and hence the petition.

Heard Mr. Lekh Raj Sharma, Advocate, for the petitioner;

Mr. Rakesh Inder Singh Sidhu, AAG, Punjab, for the State/respondents no. 1 to 3 and perused the records.

As is there in the stand of the State, in their response to the claim of the petitioner, it is duly admitted that on the complaint of the petitioner they have lodged FIR No. 6 dated 29.6.2018 under Sections 323, 498-A IPC with Police Station Women, SAS Nagar Mohali and that during the course of investigations, offence under Section 406 IPC was subsequently added and that the challan has already been submitted in the Court on 31.8.2018 and which fact has not been controverted by the learned counsel for the petitioner. As is there and is undisputed that it is subsequent thereto on 24.8.2018, the present petition has come about. Since the investigations have been completed and challan has been submitted in a court of law and therefore, the accused have been put to trial. Even otherwise as is there on the records, vide inquiry dated 13.9.2018, conducted by Deputy Superintendent of Police (Headquarters), Mohali, the allegations of the petitioner against the Doctor have been found to be false and malafidely motivated. Thus, claim of the petitioner for constituting a Special Investigation Team is certainly not maintainable. It is well within the purview of the learned Judicial Magistrate, if so necessitated, to order further

investigations by the exercise of powers under Section 159 of Cr.P.C. Even during the course of trial if so feels necessary for judicious disposal of the case, the court is well within its powers to adduce additional evidence or whether any person found guilty has been let off from the offence on the record may summon as additional accused and therefore, will adequately take care of the grievance of the petitioner that offence of abortion has not been slapped on the accused by the Investigating Officer or certain persons who were guilty for an offence has been let off. What is perceivable that after presentation of the challan, the petitioner had devised a way to file the present petition which is against the spirit of the law and cannons of justice and rather appears to be an after thought move with malafide intention. Thus, there being no merits, the present petition stands dismissed.

May 29, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No