

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-PIL No. 99 of 2019
Date of decision: 08.05.2019

Anju Bansal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present: Ms. Anju Bansal, petitioner in person.

The petitioner, who appears in person, purport to have approached this Court in Public Interest and has claimed the following reliefs:-

“[A] Prayed to pass orders in the Petition of Public Interest Litigation under Article 226 of the Constitution of India against the Order of Dated 21.4.2018 (P-5) of Acquittal from Charges U/S 376, 376-D, 376 read with section 511, 354 IPC and initiate a false proceeding U/s 340 Cr.P.C. on the petitioner/victim at the stage of U/S 233 Cr.P.C. Contrary to evidence on record by Sh. Kawaljit Singh Additional Session Judge District Muktsar.

[B] Prayed to pass orders to stay the proceedings in the CRA-S 2052-SB OF 2018 and CRM-A 982-MA OF 2018 and further prayed to decide the case on merits by your own court.

[C] Prayed to pass orders for direction to Conduct an enquiry by the Registrar General and Registrar Vigilance of Sh. Kawaljit Singh Additional Session Judge District Muktsar and regarding the Original CNR NO PBSMOI-000587/ 2012 thereafter fake CNR

NO PBSMOI-000833/2012 of the same case in the FIR no 73 Dated 11.6.2011 case State Versus Rakesh Kumar and others.

[D] Prayed for direction to show cause notice to Sh. Kawaljit Singh Additional Session Judge District Muktsar to bring the record on what basis he had initiated a proceeding U/S 340 Cr.P.C. on the petitioner/victim.

[E] Prayed to pass orders to prevent abuse of the process of the Court and ends of justice and protection in the false proceedings U/S 340 Cr.P.C. of the disabled petitioner/victim U/S 7 of the Rights of Persons with Disabilities Act 2016 for protection from abuse, violence and exploitation.

[F] Prayed to pass any other order of direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

Albeit, the petition at hands is styled as Public Interest Litigation, but a bare analysis of the averments set out therein shows that it is centered on purely personal and private interest of the petitioner. Further, the judgment dated 21.04.2018, the petitioner is aggrieved by, was rendered by the Additional Sessions Judge, Sri Muktsar Sahib, vide which the accused in FIR No.73, dated 11.06.2011, under Sections 376/354/323 IPC, Police Station Gidderbaha, were acquitted and rather proceedings under Section 340 Cr.P.C. were initiated against the petitioner. The appeal against acquittal, preferred by the petitioner against the said judgment i.e. CRA-S-2052-SB of 2018 as also CRM-A-982-MA of 2018, are pending before this Court. In fact, the nature of the reliefs that have been prayed for: ***“to pass orders to stay the proceedings in CRA-S 2052-SB of 2018 & CRM-A 982-***

MA of 2018 and further prayed to decide the case on merits by your own Court”, raise serious issues as regards the feasibility of such a prayer before a Co-ordinate Bench. We refrain ourselves to delve further in the matter, lest it prejudice the case/interest of the petitioner in different proceedings that are pending against her before this Court i.e. **CROCP-13-2014 (Kewal Krishan v. Anju Bansal and others)** and **CROCP-10-2015 (Court on its own motion v. Anju Bansal)**. Suffice it to say, this petition has been filed for an oblique purpose.

In so far as the grievance being expressed by the petitioner that her appeal against acquittal (*CRA-S 2052-SB of 2018*) is pending since long and, therefore, orders be passed requiring the Co-ordinate Bench to decide the matter expeditiously: we are afraid that this Court lacks authority and jurisdiction to issue any such direction. However, she be assured that her concerns in this regard would be addressed on the administrative side.

In the wake of the above, for, the petition is bereft of any public interest, the same is accordingly dismissed being not maintainable. However, for the grievances as also the reliefs being sought are personal to the petitioner, she is at liberty to pursue or resort to the remedies as admissible in law.

Needless to assert that this order shall not constitute any expression of opinion upon the pending proceedings against the petitioner or initiated at her behest.

(KRISHNA MURARI)
CHIEF JUSTICE
08.05.2019

Rajan

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
 Whether reportable

Yes/No
 Yes/No