

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-45653 of 2016

Date of Decision: 14.08.2019

Smt. Najma

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- None.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 CrPC is for proper investigation of FIR no.192 dated 14.09.2016 under Sections 376, 505, 120-B IPC registered at Women Police Station, Sector 51, Gurgaon.

Reply by way of affidavit of Dharna Yadav, HPS, ACP (HQR.), Gurugram, on behalf of respondents no.1 to 3, has already been filed. As per the reply, after registration of the FIR and during the course of investigation of the case, Vijay Rana son of Nathu Ram was arrested by the IO Raj Bala on 14.09.2016 under Section 120-B IPC. The petitioner was also got medico-legally examined and her statement under Section 164 CrPC was recorded by the Illaqa Magistrate. During investigation, a CD and a Pendrive, which contained the conversation among father of Zile Singh, Kirori and conspirator Vijay Pal and his real brother Pratap,

demanding money for compromising the matter, were taken into

possession. It was found that Vijay Pal and Zile Singh were of the same village and for the last many years, they were running the business of Namkeen jointly in the name of M/s Neha Company and as the company was running in losses, they settled their amount and thereafter, Vijay Pal had to pay a sum of Rs.10 lacs to Zile Singh and because of this, the relations between the two were not good. The petitioner having the knowledge of bad relations between the two, tried to take advantage of it and got registered the case against them. The occurrence is stated to be of October, 2013 whereas the FIR in question was registered on 14.09.2016. The conversation in the CD and Pendrive revealed that for getting the said case compromised, a demand of Rs.72 lacs was settled, which raised doubt about the occurrence. During investigation, statements of many other persons of the locality including Vinod son of Viswanath Thakur, Roop Singh son of Bane Singh, Ravinder son of Maan Singh etc. were also recorded under Section 161 CrPC. Vinod had given his affidavit that Najma w/o Late Haseen Khan did not come at the place of occurrence at the relevant time as alleged in the FIR. The SHO Women Cell, Police Station, Gurugram had herself conducted investigation and found that the FIR was totally false. Even ACP, HQR. Gurugram also verified all these facts and found that the allegations levelled in the FIR were false.

Accordingly, application for discharge of Vijay Pal was moved before the Illaqa Magistrate, Gurugram and recommendation was also made for taking action against the petitioner-complainant under Section 182 IPC.

In view of the reply so filed by the respondent-State and more particularly, when the allegations made in the FIR were found false and rather, recommendation has been made to initiate action against the petitioner-complainant under Section 182 IPC, this petition no more survives.

Accordingly, the present petition is dismissed.

August 14, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No