

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31255-2019

Date of Decision: 16.08.2019

Jasvir Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. V.K. Thakur, Advocate,
for the petitioner.

Mr. A.P.S. Gill, D.A.G., Punjab.

Mr. Shaurya Puri, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 24.07.2019, an affidavit of Sh. Satinder Singh, the Senior Superintendent of Police, Kapurthala, has been filed, which is taken on record.

As per the said affidavit, no affidavit had been filed by the petitioner before the SSP, though a complaint was filed by her on a plain paper.

Paragraph 4 of the affidavit also states that the petitioner had suffered injuries caused to her and when the MLR was received at the police station, an application was moved to the hospital authorities, so that further legal action could be taken but the hospital authorities informed that the petitioner had left the hospital.

Learned counsel for the petitioner points to Annexure P-5, a carbon copy of which has been produced in Court today by learned State counsel from the

police file.

A perusal thereof shows that the petitioner suffered a lacerated wound on her arm, with multiple bruises on her back as also on her thigh.

That being so, with the petitioner and the complainant in the FIR both stated to have suffered injuries at the hands of each other and they being immediate relatives of each other, this petition is allowed, subject to the petitioner joining investigation as and when called upon and complying with the conditions stipulated under Section 438 (2) Cr.P.C.

It is made clear that if the petitioner approaches the investigating officer and he does not join her in the investigation, she would be at liberty to approach the Illaqa Magistrate concerned, who would then summon the investigating officer and ensure that the petitioner is joined in such investigation.

This order has specifically been passed in view of the contention of learned counsel for the petitioner, that despite having approached the SHO of the police station concerned, a cross-version to the FIR was not registered at her instance, allegedly because the SHO has some axe to grind with her.

August 16, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes