

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-383-2019

Date of Decision:10.01.2020

Sandeep Goyal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Atul Goyal, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. for issuance of appropriate directions to respondent Nos.2 to 4 to conduct free and fair investigation in FIR No.135 dated 13.05.2018 under Sections 376, 506 IPC, registered at Police Station City Jagraon, District Ludhiana(Rural).

The aforesaid FIR was registered at the behest of the complainant. As per FIR on 02.01.2018 at about 11.30 AM, Prem Kumar Goyal, father of the petitioner, has come to the place of the prosecutrix and asked her to accompany the sheller with him as he had to talk with her. Accordingly, the prosecutrix accompanied him. He took her to the basement of the sheller, where he removed his clothes and forcibly committed rape upon her twice. She raised an alarm but he(Prem Kumar Goyal) did not listen to her and threatened her that in case she will disclose

about it to anyone, he would kill her. Thereafter, she being afraid from Prem Kumar Goyal came back to her house at 1.30 PM. When she had come back to her house, no one was present there. However, approximately at 7.30 PM, petitioner who is son of Prem Kumar Goyal came to her place and asked her to come to the office as there is some work. The prosecutrix accordingly accompanied the petitioner, where he forcibly committed rape upon her on 02.01.2018 in his office and also threatened with dire consequences that in case she will disclose this fact to anybody, he would kill her.

Considering the nature of allegations against the petitioner and relationship of the complainant (being a tenant of the petitioner) in a room situated in the rice sheller, State was directed to file reply duly approved by SSP, Ludhiana(Rural).

Accordingly, learned State Counsel has filed short reply by way of affidavit of Sh. Sandeep Goel, PPS, SSP, District Ludhiana(Rural), which is taken on record, which suggests that during investigation, the application submitted by the petitioner that the petitioner and his father have falsely been implicated in the case, inquiry was entrusted to the SHO, P.S. City, Jagraon, who submitted his inquiry report dated 01.06.2019. The inquiry report reveals that a false case has been got registered by the complainant against the petitioner and co-accused Prem Kumar Goyal.

Accordingly, the inquiry officer has recommended for cancellation of the case. The DSP, Jagraon, was also agreed with the inquiry report vide his report dated 28.11.2019 and the same is approved by the SSP, Ludhiana(Rural).

In view of the short reply filed on behalf of respondent Nos.1 to

4, whereby cancellation report has been prepared, prayer of the petitioner for free and fair investigation of the FIR, in question, no more survives and the present petition is rendered infructuous.

Dismissed as having been rendered infructuous.

January 10, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No