

253/2.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14826-2017

Date of decision: 24.01.2020.

RAKESH MOHAN DHAWAN

... Petitioner

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Dr. Payal Mehta, Advocate, and
Mr. Viraj Gandhi, Advocate, Amicus Curiae,
for respondent No.6.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of direction to respondents No.1 to 5 to protect the life and liberty of the petitioner and his family members at the hands of respondent No.6, who has falsely involved the petitioner and is further trying to involve him in some other false cases.

Respondent No.6 has filed number of petitions including **CRM-M-17220-2017, CRM-M-10502-2017, CRM-M-5464-2019, CRM-M-5465-2019**, which have been dismissed in the light of affidavit (filed in **CRM-M-43359-2016**) of Vibhu Raj, IPS, Inspector General of Police, Economic Offences Wing, Bureau of Investigation, Punjab, Chandigarh, dated

27.11.2018. The relevant paragraphs No.5 and 6 of the said affidavit reads as under:-

“5. The abovesaid case was registered on the statement of petitioner Simarjeet Kaur against Rakesh Dhawan. The investigation of the case has been conducted by AIG/State Crime and SHO, Police Station State Crime, SAS Nagar under the supervision of deponent. In the abovesaid FIR, the petitioner Simarjeet Kaur had leveled allegations of rape against accused Rakesh Mohan Dhawan. During investigation of the abovesaid case Polygraph/Lie Detection Test of accused Rakesh Dhawan was got conducted from the Central Forensic Science Laboratory, Central Bureau of Investigation, New Delhi. The CFSL, CBI, New Delhi has reported that ‘the analysis and evaluation of polygrams do not reveal deceptive responses on the issue no.(i) to (viii). According to polygraph examination and analysis of polygrams, Rakesh Mohan Dhawan is truthful in his answers on the issues no.(i) to (viii).’

During investigation of the abovesaid case, the complainant Simarjeet Kaur had produced a underwear alleged to be stained with semen of accused Rakesh Dhawan. As per the statement of complainant Simarjeet Kaur, the said underwear was worn by the complainant on the day of alleged rape committed upon her by the accused Rakesh Dhawan. The said underwear alongwith blood samples of Rakesh Mohan Dhawan were sent for Forensic DNA Test to Forensic Science Laboratory, Punjab, SAS Nagar. The report dated 5.10.2018 received from the FSL, Punjab, SAS Nagar reveals as under:-

“1. Human semen present on the Exhibit ‘A’ (Source: Underwear of Simareet Kaur) does not belong to Rakesh Mohan Dhawan (Source: Exhibit ‘B’).

6. That upon investigation of the abovesaid case, the allegation leveled by petitioner Simarjeet Kaur against Rakesh Dhawan and his family members have been found to be false.

The scientific and forensic investigation has revealed that human semen present in the underwear of Simarjeet Kaur does not belong to Rakesh Mohan Dhawan. Further, Rakesh Mohan Dhawan has been found to be truthful in his responses during Polygraph/Lie Detection Test. Accordingly, recommendation has been made to cancel abovesaid FIR No.79 dated 30.12.2016, PS Women, Amritsar City and to initiate suitable action against petitioner Simarjeet Kaur.”

In view of above, the present petition is rendered infructuous.

However, the petitioner would be at liberty initiate the proceedings against the respondent No.6, if he so advised.

(HARI PAL VERMA)
JUDGE

24.01.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No