

253/3.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17220-2017

Date of decision: 24.01.2020.

SIMARJEET KAUR

... Petitioner

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Dr. Payal Mehta, Advocate, and
Mr. Viraj Gandhi, Advocate, Amicus Curiae.

Ms. Ruchika Sabherwal, AAG, Punjab.

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 4 to present the status report in case FIR No.79 dated 30.12.2016 registered under Section 376 of IPC at Police Station Women, Amritsar, District Amritsar.

It has been pleaded in the petition that FIR has been registered in the year, 2016, but till date nothing has been done in the matter and police is not conducting any investigation in the matter.

On the basis 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 status of aforesaid FIR No.79, dated 30.12.2016, has been discussed. The relevant para 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.”

Learned State counsel, on instructions from ASI Dharam Pal, states that in the aforesaid FIR, police has already prepared cancellation report and the same has been presented to the Court. In that case, the petitioner was summoned, but she did not turn up and now she has been summoned for 20.02.2020.

In view of above, this Court finds that the present petition is totally a misconceived and the petitioner has tried to falsely implicate respondent No.5.

Be that as it may, since cancellation report in the case has been prepared and the trial Court is already seized with the matter, nothing survives in the present petition and the same is accordingly dismissed as having become infructuous.

(HARI PAL VERMA)
JUDGE

24.01.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No