

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

CRM-M-15292-2020
Decided on : 30.06.2020

Liyakat Ali

..... Petitioner

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Baljeet Beniwal, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Manjari Nehru Kaul, J.

On account of outbreak of Covid-19 pandemic, the matter is taken up through video conferencing.

Instant petition has been filed under Section 482 Cr.PC for issuance of direction to respondents No.1 to 3 to direct respondent No.4 not to harass the petitioner and his family.

In compliance of order dated 16.06.2020, affidavit of Superintendent of Police, Nuh on behalf of respondents No.1 to 4 has been filed and taken on record.

Learned State counsel submits that a perusal of the affidavit clearly reveals that false and concocted allegations have been levelled against the police by the petitioner with an oblique motive to hamper the investigation going on in FIR No.177 dated 14.11.2019 registered under Section 4 of POCSO Act and Section 506 IPC and to save his son, who is on the run, from being arrested. While drawing the attention of this Court to the contents of the aforementioned affidavit, learned State counsel has

pointed out that the Call Detail Record(for short 'CDR') (Annexure R-4) clearly further reveals that there was continuous and frequent communication between the petitioner and the accused Tarif till as recently as 22.04.2020 and between Shokat (brother of the petitioner) and the accused Tarif upto 16.06.2020.

Per contra learned counsel for the petitioner has submitted that the perusal of the affidavit itself shows that the brother of the petitioner namely Shokat had been using two Mobile Nos.; one registered in his own name and the other registered in the name of accused Tarif. Hence, it was evident that the other number was being used by Shokat himself and not by Tarif.

After hearing the parties and perusing the affidavit along with the CDR submitted by the State, prima facie the likelihood of the petitioner being in constant communication with the accused Tarif cannot be ruled out.

In the circumstances, this Court is not inclined to invoke its inherent jurisdiction under Section 482 Cr.PC as the investigating agency is following the due process of law as envisaged under the Code of Criminal Procedure.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

30.06.2020
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Whether speaking/reasoned:	Yes
Whether reportable :	No