

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M- 19192 of 2020 (O&M)

Date of Decision: 5.8.2020

Sana Khan

---Petitioner

versus

State of Haryana and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Nafees Ahmad Khan, Advocate
for the petitioner**

Rekha Mittal, J.

CRM- 18054 of 2020

Allowed as prayed for.

Copy of MLR dated 10.6.2020 and affidavit of the petitioner Annexures P-3 and P-4 respectively, are taken on record, subject to just exceptions.

Main case

By invoking Section 482 of the Criminal Procedure Code, 1973 (in short "Cr.P.C."), the petitioner seeks interference of this Court for fair and impartial investigation of case FIR No. 196 dated 8.6.2020 registered at Police Station, Punhana, District Nuh for offence punishable under Sections 376-D, 323, 506, 188, 120-B read with Section 34 of the Indian Penal Code, 1860 (in short "IPC").

As per the allegations, the petitioner was subject to gang rape by four persons, detailed in para 3 of the petition, on 30.5.2020 at about 4-00 p.m. in respect whereof the case was registered on 8.6.2020.

Perusal of affidavit dated 27.7.2020 of the petitioner would

reveal that prior to registration of the instant FIR, FIR No. 182 dated 1.6.2020 for offence punishable under Sections 323, 343, 506, 188 read with Section 34 IPC was registered at Police Station, Punhana District Nuh against the petitioner and her husband Arif by Irshad son of Abdul Rahim. The petitioner got herself medically examined on 10.6.2020. As per the medico legal report, there was no injury on private parts of the prosecutrix, a married woman. There is nothing on record suggestive of the fact that prior to registration of instant FIR on 8.6.2020, the petitioner or her family had approached the police for initiating action against the alleged perpetrators of crime. In the given circumstances, I do not find any reason to interfere in exercise of extraordinary jurisdiction under Section 482 Cr.P.C. However, the petitioner may file an appropriate application before the Illaqa Magistrate concerned, in accordance with law.

Disposed of.

(Rekha Mittal)
Judge

5.8.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No