

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

CRM-M-29555-2020
Date of decision: 24.9.2020

Asha Devi

.....Petitioner.

vs.

State of Punjab and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Ms. Pridhi Jaswinder Sandhu, Advocate, for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate
General, Punjab.

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Sanjay Kumar, J. (ORAL)

The grievance of the petitioner is that the police authorities are not registering a FIR under the relevant provisions of the Indian Penal Code, 1860, against respondents No. 6 to 11 herein. She seeks a direction under Section 482 Cr.P.C. to the police authorities to take appropriate action on her complaint on 29.10.2019 (Annexure P-3).

While so, Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab, would state upon instructions from ASI Amarjeet Kumar that the police authorities already filed a cancellation report in relation to the petitioner's complaint, finding no cause to enter upon an investigation. However, he would admit that intimation was not given to the complainant, the petitioner herein, to that effect.

Section 157 (2) Cr.P.C. specifically provides that the Officer in charge of a Police Station should forthwith notify the informant, if any, of the fact that he would not investigate the case or cause it to be investigated, if it appears to him that sufficient grounds are not made out to enter upon an investigation. Therefore, a statutory duty is cast upon every Station House Officer to inform the complainant if the police do not propose to proceed further upon a complaint.

As this duty has not been complied with in the case on hand, the petition is disposed of with a direction to the jurisdictional Station House Officer to forthwith comply with the statutory mandate and communicate the information to the petitioner, in terms of Section 157 (2) Cr.P.C.

Needless to state, the petitioner would then be at liberty to avail statutory remedies, as are provided to her, in accordance with law.

(SANJAY KUMAR)
JUDGE

24.9.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no