

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

CRM-M-41356-2020

Date of Decision: 21.12.2020

POONAM MITTAL

.....Appellant

V/s.

UNION TERRITORY, CHANDIGARH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present: Mr. Vikram Singh Chauhan, Advocate,
for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor, U.T., Chandigarh,
with Mr. Anupam Bansal, Advocate.
for respondents No. 1 to 3.

MANJARI NEHRU KAUL, J. (Oral)

This petition is filed under Section 482 of the Code of Criminal Procedure for seeking issuance of directions to respondents No. 1 to 3 to take strict appropriate legal action on the complaint dated 01.09.2020 made by the petitioner.

Learned counsel for the petitioner contends that despite the complaint dated 01.09.2020 (Annexure P-1) having been made to respondent No. 2-Senior Superintendent of Police, U.T., Chandigarh with regard to the alleged blackmailing by the private respondents No. 4 to 11 and also forcing her to have physical sexual relation with them, the official respondents No. 1 to 3 have been sitting over the matter and have failed to initiate any steps against the private respondents.

Notice of motion.

On asking of the Court, Mr. A.M. Punchhi, Public Prosecutor, U.T., Chandigarh has accepted notice on behalf of respondents No. 1 to 3,

who on instructions from ASI Asha Devi, has submitted that a thorough investigation was carried out after the complaint dated 01.09.2020 (Annexure P-1) was received by respondent No. 2-Senior Superintendent of Police, U.T., Chandigarh. He has further submitted that during investigation it came to light that in fact it was a case of consensual relationship and the allegations leveled against the private respondents were bereft of any substance and merit.

Heard.

It needs to be emphasized that it is within the exclusive domain of the police to carry out investigation as and when a complaint with respect to the alleged commission of any offence is brought to its notice. Undoubtedly this Court does have wide and extensive powers under Section 482 Cr.P.C., but they cannot be exercised philanthropically and this Court cannot enter the realm of investigation. Moreover, every investigation need not necessarily culminate in the arrest of an accused named in the complaint and filing of a charge-sheet.

In case a person/complainant is aggrieved of the investigation carried out by the investigating agency or if on his complaint the investigating agency has failed to proceed against an accused, it is not curtains for the complainant as he/she has an alternative remedy available under Code of Criminal Procedure, 1973.

As a sequel to the above, the present criminal petition is hereby dismissed.

December 21, 2020

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : *Yes*

Whether Reportable : *Yes*