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

CRM-M-44230-2019

Date of Decision: 22.01.2020

RAJWINDER KAUR

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: None for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Harparteek S. Sandhu, Advocate
for respondent No. 5.

JAISHREE THAKUR, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for seeking a direction against the official respondent Nos. 1 to 4 not to harass the petitioner under the garb of FIR No. 192 dated 10.09.2019 registered under Section 451, 323, 506, 342, 427, 148, 149 IPC at Police Station Haibowal, District Police Commissionerate Ludhiana.

Learned counsel appearing on behalf of the petitioner, on an earlier occasion, had submitted that her daughter, aged four years, who was studying in Amrit Educational Society, Ludhiana, was being maltreated in school regarding which she lodged an FIR No. 163 dated 10.09.2019 at Police Station Dakha, District Ludhiana under Section 354 IPC and under Section 8

of the Protection of Children from Sexual Offence Act, 2012. It was submitted that on account of the FIR which she had got registered against the school, the petitioner was being summoned by the police in FIR No. 192 dated 10.09.2019 registered at Police Station Haibowal, District Police Commissionerate Ludhiana under Section 451, 323, 506, 342, 427, 148, 149 IPC.

After notice of motion had been issued, appearance has been caused on behalf of respondent No. 5 namely Amrit Educational Society, Ludhiana and on behalf of the official respondents. Learned counsel appearing on behalf of the official respondents/State submits that the petitioner herein has neither been named in the said FIR nor is she being called or harassed by the police as alleged by her. Learned State counsel further, on instructions from ASI Didar Singh, submits that the petitioner herein is not required for any investigation in the aforesaid FIR.

Learned counsel appearing on behalf of respondent No. 5 submits that the instant petition ought to be dismissed since the petitioner has not availed of any remedy of approaching the police at the first instance, while further submitting that the instant petition has been filed as a mean of tools for further investigation in FIR No. 163 dated 10.09.2019. No one has put in an appearance on behalf of the petitioner.

However, taking into account the statement made by ASI Didar Singh, who has categorically stated that the presence of the petitioner is not required in the FIR, this petition is being disposed of with the direction that the petitioner be not harassed in any manner under FIR No. 192 dated 10.09.2019.

However, anything observed or said by this court is only for the purpose of disposing of the instant petition and the same shall have no effect on the merits of any case.

January 22, 2020

Mehak

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No