

CRWP-956-2019

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

CRWP-956-2019.

Decided on: January 07, 2020.

Santosh Rani

.. Petitioner

VERSUS

State

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT None for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition is based on the complaint which was received through E-mail.

The author of the complaint namely Santosh Rani wife of Kewal Krishan, resident of 426, Amarpuri Colony, Yamuna Nagar, had alleged in the complaint that on 24.9.2019, at about 11:00 P.M. the police officials of CIA-02, Yamuna Nagar, had forcibly entered into her house by climbing boundary wall of her house and some of them also climbed on the roof also. It was alleged in the complaint that they had demanded a sum of

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Rs.1 lac from her in connection with the Motorcycle of one Rajesh. It has been further alleged in the complaint that after giving beatings to her son, they forcibly took away her son in their vehicle and he has not been produced before any Court and that they have kept him in illegal custody.

This Court issued notice of motion to the State of Haryana and called for the report of Superintendent of Police, Yamuna Nagar.

In response, reply by way of affidavit of Mr.Sudhir Taneja, HPS, Deputy Superintendent of Police, Jagadhri (Yamuna Nagar), dated 13.11.2019, has been filed, wherein, it has been stated that State Bank of India, Jagadhri, through its Branch had filed a complaint under Section 138 of the Negotiable Instruments Act, against son of the petitioner namely Sudesh and after filing of the complaint notice was issued by the learned trial Court to appear in the Court, however, Sudesh who is son of the complainant did not appear before the trial Court and thereafter, warrants of arrest were issued on 14.11.2019 and ultimately, he was declared proclaimed person vide order dated 6.5.2017 and direction was issued to the concerned SHO to register FIR against said proclaimed person namely Sudesh for the commission of offence under Section 174-A IPC.

After registration of the case, investigation was carried out by the Inspector but said Sudesh could not be found despite repeated raids. It is further stated in the affidavit that thereafter investigation of the aforesaid case was handed over to CIA-02, for investigation and arrest of accused Sudesh and after that on 24.9.2019, the police officers of CIA-02,

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went to the house of the complainant-petitioner in search of said Sudesh Kumar but he was not found in the house and police officers came back. It has been specifically stated in the affidavit that the police has not picked up Sudesh Kumar nor any money was ever demanded. It has been further stated in the affidavit that 17 criminal cases have been registered against said Sudesh Kumar and the detail of the same has been given in para 5 of the affidavit. Further, 33 criminal cases have been registered against Rajesh who is son of the petitioner and brother of accused Sudesh. Apart from this, one criminal case has been registered against the complainant-petitioner. It has been specifically stated in the affidavit that there is no allegation levelled in the present petition as the complainant and her son are criminal type persons and have no respect for law and are habitual to commit crime from time to time.

After perusing the affidavit which has been filed by the Deputy Superintendent of Police, Jagadhri (Yamuna Nagar), it is clear that the complainant in the present complaint has concealed the material facts while sending the complaint to this Court through E-mail and has simply stated in the complaint that her son was picked up illegally by CIA Staff. In the affidavit detailed history of the pending cases against the complainant and her sons has been highlighted and the raid conducted by the CIA-02 on 24.9.2019, has also been justified and it has been stated that he was not picked up from the house nor any money was ever demanded from the complainant.

In view of affidavit filed by the Deputy Superintendent

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of Police, Jagadhri (Yamuna Nagar), nothing survives in the present petition
– complaint and the same is hereby dismissed.

January 07, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No