

CRM-M-18417-2021(O&M)

Date of decision: 25.05.2021

PRIYANKA SHARMA

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner

Mr. Randhir Singh Thind, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Through this petition under Section 482 Cr.P.C, the petitioner has sought the following reliefs:-

“It is therefore, most respectfully prayed that the present petition may kindly be allowed and direction to respondents No. 2 to 3 may be issued to take legal action under Section 154 Cr.P.C on the complaint of the petitioner dated 22.02.2021 Annexure P-1 disclosing the occurrence of cognizable offence, regarding treating the petitioner with cruelty and torturing her mentally in order to pressuring the petitioner to fulfill their illegal demand of dowry by respondents No. 4 to 7.

And still further to direct respondent No.2 to 3 not to harass the petitioner by calling her repeatedly to the Police Station, Women Cell is complete violation of section 160 of Cr.P.C.

Any other order, direction may kindly be passed which this Hon’ble Court deem fit and appropriate under the facts and circumstances of the present case in the interest of justice.”

On 10.05.2021, the following order was passed by this

Court:-

“The learned counsel for the petitioner has submitted that the petitioner was physically tortured by her

husband and her in-laws and she had made a complaint with the Commissioner of Police, Ludhiana vide Annexure P-1, dated 22.02.2021. In the complaint, it has been specifically stated especially in para No.13 that on 21.02.2021 she was physically assaulted and her relatives were also assaulted and vide Annexure P-2, which is MLR conducted in the Government hospital it can be seen that various injury marks as well as pain were there on the body of the petitioner. However, no action was taken by the police in connivance with the private respondents. He further submitted that the offence was a cognizable offence supported by MLR and, therefore, it was the duty of the police to have registered an FIR against the private respondents.

On 3.05.2021, the learned State counsel had sought time to obtain instructions and to assist in the matter.

Today, Mr. Sandhu, AAG, Punjab has submitted on instructions that an FIR has been registered under Sections 323, 324 and 450 IPC against the petitioner on 26.02.2021. On a specific query being put to the learned State counsel as to what has happened to the complaint (Annexure P-1), which was filed by the petitioner, he stated that the complaint is under examination but no FIR has been registered, as yet.

On the perusal of the paper book as well as the arguments advanced by the learned counsel for the parties, it appears that the police has not taken any action against the private respondents even on the basis of the complaint which according to the learned counsel for the petitioner discloses cognizable offence supported by MLR. The complaint was made on 22.02.2021 and MLR is of dated 21.02.2021 but no action has been taken in this regard. Learned State counsel has not been able to justify as to how no action was taken on the complaint of the petitioner but after four days rather an FIR under Sections 323, 324 and 450 IPC has been registered against the petitioner.

In view of the above, it is directed that the Commissioner of Police, Ludhiana shall himself look into the matter and shall file his own affidavit in the present case.

Adjourned to 25.05.2021.”

In response, an affidavit of the Commissioner of Police,

Ludhiana, has been filed in which it has been stated that FIR No. 51, dated 18.05.2021, under Section 498-A IPC, at Police Station Women Ludhiana, Punjab, has already been registered against respondent no.5, who is the husband of the petitioner and the matter is now being investigated.

It has also been stated that on an another complaint of the petitioner, DDR no. 28, dated 12.05.2021, at Police Post Pragpur, Police Station Cantt. Jalandhar, Punjab, was entered as the offence alleged was non-cognizable. Still further, on another complaint of respondent no.5, FIR No. 18, dated 26.02.2021, under Section 323, 324, 452, 506, 148, 149 IPC at Police Station Cantt. Jalandhar, Punjab, has also been registered against the petitioner and her family members.

Keeping in view the aforesaid affidavit, no further order is required to be passed. Hence, disposed of.

25.05.2021
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No