

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

241

CRM-M-33446-2018

Date of Decision : **October 17, 2022**

RAJBIR

.....Petitioner

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Atul Yadav, Advocate for
Mr. Jai Singh Yadav, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Jitender Nara, Advocate
for respondents No. 4 to 6.

PANKAJ JAIN. J. (Oral)

In pursuance of the order dated 22.9.2022, affidavit has been
filed by DGP, Haryana, Panchkula. It has been submitted in paras No. 6
and 7 as under:-

“6. That it is submitted that considering
seriousness of the issue under consideration and in order
to ensure free and fair investigation in POCSO Act cases,
vide letter No. 20527-54/CR-3 dated 14.10.2022
directions have been issued to all the head of district
police as under:-

i) All heads of district police shall get
examined all pending Untraced and cancellation reports
prepared in POCSO Act cases within one month
positively and ensure that final decision on the reports is
taken. It must be taken into account that the reports have

not been prepared only on the basis of medical opinion but informed decision is taken on the basis of evidence/material collected after thorough investigation in compliance of laid down procedure under the law.

ii) Further, all heads of district police will get examined untraced and cancellation reports prepared in POCSO Act cases every month in order to ensure that investigation has been conducted in accordance with laid down procedure under the law. Thereafter, decision to submit final reports or to conduct further investigation in the matter is taken.

A copy of letter dated 14.10.2022 is annexed as Annexure R-2 for kind perusal of this Hon'ble Court.

7. That it is also submitted that the Director, Haryana Police Academy, Madhuban has also been asked vide letter No. 20556/CR-3 dated 14.10.2022 to get included course content pertaining to investigation in POCSO Act cases in training module so that investigating officers are well versed with relevant provisions and procedures in order to rule out deficiencies. A copy of letter dated 14.10.2022 is annexed as Annexure R-3 for kind perusal of this Hon'ble Court.”

With respect to the case in hand, it has been stated as under:-

“5 That it is submitted that affidavit sent by Superintendent of Police, Karnal has also been examined. Relevant facts mentioned in the affidavit are submitted as under:-

i) That Superintendent of Police, Karnal sought report from DSP, Gharaunda who reported that a case bearing FIR No. 196 dated 12.5.2020 under Section

377 of IPC & 6 POCSO Act, was registered in Police Station Gharaunda, District Karnal on complaint of Sh.Naresh s/o Sh. Om Parkash r/o village Shahajanp[ur, PS Gharaunda. After registration of the case, investigation of the case was carried out by SI Karambir Singh, Police Station Gharaunda, District Karnal, who during the course of investigation, visited the place of occurrence and prepared rough site plan of the place of occurrence. On the same day, medico legal examination of minor victim was got conducted on Civil Hospital, Karnal.

ii) that on 13.5.2020 counselling of victim was got conducted from the Child Welfare Committee, Karnal and victim was handed over to the parents.

iii) That on 14.5.2020, an application was submitted by the Investigating Officer before Ld. Illaqa Magistrate, Karnal for recording statement of victim under Section 164 Cr.P.C. and on the same day, statement under Section 164 Cr.P.C. was recorded by Ld. Illaqa Magistrate, Karnal. In his statement, victim supported version as he alleged in the FIR.

iv) That on 15.5.2020, opinion of doctor in MLR/AS/GHA/106/2020 dated 12.5.2020 was sought who opined. "there is nothing to suggest that patient was subjected to anal intercourse (sodomy). No e/o sexual assault". Investigation of case was also conducted by Manoj Kumar, Inspector/SHO, Police Station Gharaunda, District Karnal and same was verified by Ram Dutt, HPS, the then DSP, Gharaunda, District Karnal. During investigation, it was revealed that present FIR was lodged by the complainant due to previous enmity with alleged culprit Badlu Ram and as per verification made with the

respectable persons and opinion of doctor, allegation levelled by the complainant in FIR were found to be false and accordingly cancellation report was prepared on 21.5.2020.

v) That cancellation report was submitted in Ld. Court on 7.7.2021 and the same was disposed of with directions vide order dated 14.1.2022 vide which accused had been summoned by Ld. Trial Court under Section 6 of POCSO Act and Section 377 of IPC for facing trial. The case is fixed for 26.10.2022 for framing of charges.”

In view of the aforesaid stand taken by the State, no further order is required to be passed in the present petition. The same is, hereby, disposed off having been rendered infructuous.

October 17, 2022

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**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No