

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

208-2

CRM-M-21432-2022

Judgment reserved on :-11.11.2022

Pronounced on:-23.12.2022

Tilak Raj

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab, for respondent No.1-State.

Mr. B.S. Bhalla, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J.

By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, (for short –“the Code”), petitioner has approached this Court seeking quashing of order dated 04.05.2022, Annexure P-1, whereby application, Annexure P-3, filed by him for appointment of a Local Commissioner for getting the specimen handwriting of the prosecutrix for comparison has been dismissed in case FIR No.18 dated 25.01.2010, Annexure P-2, lodged for offences under Sections 376 and 506 of IPC at Police Station Sadar (now Police Station Cantt.) Jalandhar, District Jalandhar.

Case of the prosecution is that FIR, Anneuxre P-2, has been registered on the complaint of a married lady (hereinafter referred to as “the prosecutrix”) stating that her brother had a matrimonial dispute with his

wife, who submitted a false complaint against him, which was transferred to Tilak Raj, present petitioner, for investigation. Tilak Raj told the prosecutrix that her sister-in-law is adamant on getting a case registered for demand of dowry, but he can save her from the harassment. He pertended to be her well-wisher and regularly started coming to her house at Jalandhar as well as at Delhi. On a particular day at Jalandhar, he picked her up for investigation, but instead of taking her to the police station, took her to Golden Colony, Deep Nagar, Jalandhar, raped her and clicked her pictures in the nude. He started blackmailing her. She succumbed under pressure and has been sexually abused by him for the last 05 years. He used to come to Delhi, take her to a hotel and forcibly developed physical relations with her. He was doing the same even at her matrimonial home in the absence of her husband. On 27th August, he came to Delhi took her to a hotel, sexually abused her and insisted that she comes again on the next day. When she refused, he assaulted her at Barakhamba Road at 09.30 a.m. in the morning and resulting injuries on her face. He forced her into an auto rickshaw and took her to a hotel and raped her.

Counsel for the petitioner has argued that the petitioner and the prosecutrix were in a consensual physical relationship. He submits that the petitioner possesses various greeting cards sent by the prosecutrix, Mark 'A to Z-6', which have been written by her. He submits that an application dated 30.03.2022, Annexure P-3, has been moved for appointment of a Local Commissioner to take the specimen handwriting and signatures of the prosecutrix for comparison with the cards. Counsel has argues that despite categorically stating in her cross-examination, Annexure P-5, that she is ready to give her specimen signatures, the prosecutrix contested the

application by filing response, Annexure P-6, and the application has been wrongly declined by the trial court vide order impugned herein.

Opposing the petition, counsel representing the State as well as the complainant have urged that the documents relied upon by the petitioner are forged, manipulated and do not bear the signatures of the prosecutrix. It has been further submitted that these documents were put to the prosecutrix during her cross-examination and he denied her handwriting. It has been further submitted that the filing of the application is a pretext to delay the conclusion of the trial.

I have heard counsel for the parties and considered their respective submissions.

An examination of the facts reveals that criminal proceedings have been initiated on the complaint by the prosecutrix alleging intimidation, sexual and physical harassment in the year 2010. However, the proceedings remained stalled due to non-cooperative attitude of the petitioner, who is a police official, as he had absconded. Petitioner was declared as a Proclaimed Offender in the year 2010 and was arrested ten years later. On completion of investigation, final report was presented and on framing of charge, the trial started. Despite the delay of a decade, the petitioner is not permitting the trial to continue. When the prosecutrix stepped into the witness-box for her examination-in-chief, petitioner, despite being in custody, created a fear in her mind and she apprehended a threat to her life. On a request made on her behalf, this Court vide order dated 19.01.2022, Annexure P-4, passed in the connected petition filed by the petitioner whereby he has sought grant of bail, directed that her statement be recorded through the medium of video conferencing. Even then, petitioner has been seeking repeated adjournments

and forcing the prosecutrix to re-live the horrendous moments. It is therefore, imperative that the trial is concluded as expeditiously as possible.

When looked at in the above background, it is apparent that the application filed by the petitioner seeking her specimen signatures lacks bona fide. In any case, the comparison of the admitted signatures of the prosecutrix with the handwriting on the greeting cards, is on matter of defence, which the accused will have ample opportunity to lead in due course. Suffice it to say at this stage that the application has been filed simply to delay the proceedings and does not deserve to be entertained.

There is no illegality in the impugned order passed by the trial court and this Court is not inclined to interfere in the same in the exercise of its inherent powers. Petition, being bereft of merit is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of case.

23.12.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No