

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

(111)

**CRM-M-24788-2021
Date of decision: 19.04.2022**

Arbeena**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Liaqat Ali, Advocate for the petitioner.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for directing official respondents No.2 to 4 to investigate FIR No.0009 dated 22.02.2021, registered for offences under Sections 120-B, 376, 450 and 506 of the Indian Penal Code, 1860, at Police Station Women, Palwal, District Palwal (Annexure P-1).

In response to the notice issued to the official respondents, status report by way of affidavit of Deputy Superintendent of Police, Palwal has been filed and its relevant extract reads as under:-

“2. That after lodging the FIR, police investigated the matter thoroughly and during course of investigation, on 22.2.21 the petitioner was got medically examined at GH, Palwal and her sealed medical parcels were obtained from the medical officer concerned and sent the same to the RFSL Bhondsi for the chemical examination. Thereafter the spot was inspected and rough site plan was prepared. Statements of witnesses

including prosecutrix and her husband were recorded.

3. *That on 23.2.2021 statements under Section 164 Cr.P.C. were got recorded before the Ld. Illaqa Magistrate.*
4. *That call details of both the parties were obtained vide which it was found that younger brother of Uneeb namely Sahbej 16 year old and prosecutrix were used to chat with each other, then Sahbej (sic) joined investigation and disclosed that he has physical relation with victim and he produced many love letters given by victim. He further stated that husband of victim came to know about their relation, hence panchayat was convened in the village and the matter was compromised.*
5. *That on 05.03.2021, report from the RFSL no.21/RFSLGGM/2102250400 dated 26.02.2021 was received. The result portion of the same is mentioned below:*

“Semen could not be detected on exhibit – 1 (Leggings), exhibit – 2a (Slides), exhibit – 2b (Anterior Vaginal Swab), exhibit – 3a (Slides), exhibit – 3b (Vulval swab), exhibit – 4a (Slides) and exhibit 4b (Posterior Vaginal Swab).”
6. *That it is further submitted that on completion of the*

investigation, on the basis of statements of witnesses, love letter, statement of Sahbej and other investigation cancelation report was prepared on 16.04.2021.

7. *That it is also significant to the mention here that complaint regarding the investigation was inquired by State Crime Branch, Madhuban, during the course of inquiry the inquiry officer discussed the case in details with the previous investigating officer and perused the whole case file and re-examined the witnesses and inquired the case in details and found the investigation correct and found the allegation false. State Crime Branch prepared report dated 05.05.2021 with a direction to know the complete truth writing on the love letters and writing of victim are needed to be examined and CDR of conversation of prosecutrix and Sahbej. Thereafter the case was again investigated as per order of Superintendent of Police.*
8. *That notice dated 12.07.2021 was given to victim which was received by her husband to appear on 13.07.2021 to give writing sample for matching with the writing on love letters, but neither the prosecutrix nor her husband came, hence her husband was contacted on his mobile No.XXXXXXXXXX on 13.07.2021, vide which he stated his wife is ill, they will come on some other day.*

Thereafter, the avoid (sic he avoided) the phone of police and did not contacted (sic contact), hence again on 13.08.2020 (sic 13.08.2021), hence police party reached at house of the prosecutrix, where her brother in law was found, who stated that now they are not residing there, hence notice was served upon him on 13.08.2021 to appear (sic for appearance of) the prosecutrix before the Ld. Illaqa Magistrate, but she did not reach there. On 07.10.2021, the police find out the address of prosecutrix where she is residing presently and gave her notice, she refused to receive notice and stated that she will not appear as she has filed case before the Hon'ble High Court. Thereafter cancellation was prepared on 29.10.2021 and forwarded to the Higher Authorities. Certain objection were raised by the Superintendent of Police and now the investigation is going on. Copy of the notices dated 13.08.2021 and 07.10.2021 are attached herewith as Annexure R-1 and R-2.

9. *That on dated 19.11.2020 (sic 2021) the notice was issued to prosecutrix to appear before the Ld. Illaqa Magistrate to give specimen of writing, but the house was locked. A copy of the notice is attached herewith as Annexure R-3.”*

From the above, it is apparent that the petitioner is not co-operative with the Investigating Agency.

In these circumstances, no direction can be issued to the official respondents.

Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

19.04.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No