

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CRM-M-22652 of 2022 (O&M)

Date of decision:12.09.2022

Asha Rani

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gaurav Grover, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C. for issuance of direction to respondents No.1 and 2 for taking action against respondents No.3 to 5 for not discharging their duties as per procedure by not arresting the accused-respondents and rather helping accused-respondents No.6 to 13 to save them from clutches of law in case FIR No.0029 dated 10.04.2022 registered under Sections 120-B, 323, 342, 376(2)(n), 376-D, 384, 506 of Indian Penal Code, 1860 and Section 66(E) of Information Technology Act, 2000 at Police Station Women, District Fatehabad.

Status report by way of an affidavit of Deputy Superintendent of Police, HQ, Fatehabad has been filed on behalf of official respondents

No.1 to 5, which is taken on record, wherein, it has been *inter alia* submitted as under:-

“d. That on 14.04.2022, during the course of investigation, investigating officer approached to village Shakkarpura in order to verify the marriage certificate of petitioner and respondent No.6. Subeg Singh (Granthi of Gurudwara village Shakkarpura) after verifying the marriage certificate from the register maintained by the gurudwara informed to investigating officer in return that marriage of petitioner with respondent No.6 was solemnized on 14.01.2022 and the same is entered at serial number 9 of the register.

e. That during the course of investigation, on 16.04.2022, investigating officer approached to Om Sai Mandir, Fatehabad in order to verify the factum of marriage of petitioner and respondent no.6. Investigating Officer joined Gaurav Sharma (Respondent No.13-Priest of temple) into investigation who verified the marriage certificate dated 10.02.2020.

f. That on 19.04.2022, during the course of investigation, Inspector Aruna, S.H.O., Women Police Station, Fatehabad obtained this certified copy of order dated 12.07.2021 whereby protection was granted to petitioner and respondent number 6. Investigating Officer also obtained the C.D.R of mobile numbers and it transpired that petitioner and respondent NO.6 talked many times on mobile, however, any conversation

between petitioner and respondent No.7 was not found from C.D.R. Conversation between petitioner and respondent No.10 was found from the call details records.

g. That in response to the application (Annexure P-8), it is respectfully submitted that on 20.04.2022, the Superintendent of Police, Fatehabad vide order number 21189-93 dated 20.04.2022, changed the Supervising Officer and directed the investigating officer to conduct the investigation under supervision of Sh. Ajaib Singh, H.P.S., D.S.P., Fatehabad (Haryana).

h. That on 21.04.2022, investigating officer joined Gaurav Sharma into the investigation of above-mentioned F.I.R. and his statement (Annexure R-1) was also recorded. In the statement, Gaurav Sharma deposed that on 10.04.2020, one boy & girl came in the temple who expressed their desire to solemnize the marriage. Gaurav Sharma further deposed that after enquiring their names & addresses, boy & girl gave photocopy of their DMCs and aadhar cards and he (Gaurav Sharma) solemnized their marriage in accordance of Hindu rites & ceremonies and made entry at serial number 10 of register. Gaurav Sharma further deposed that one day Sunil (real brother of Asha Rani) came and sought the record of marriage of Asha Rani with Ajay Kumar and when he (Gaurav Sharma) produced the register, then Sunil torn away the page

of register and pressurized him (Gaurav Sharma) to give statement in favour of Asha Rani regarding not happening of any marriage and under pressure of Sunil (real brother of Asha Rani), statement of Gaurav Sharma was executed before Tehsildar.

i That on 23.04.2022, verification of the investigation was conducted by the deponent. During the course of verification of the investigation, commission of offences under Sections 376(2)(n), 376(D), 342, 384, 120-B of IPC was not found to be committed and accordingly deleted from the above-mentioned FIR. Offence under Section 34 IPC was found to be committed and accordingly added in the above mentioned FIR. During the course of verification of the investigation, respondent no.6 and 7 were found real accused and any culpability of respondent no.8 to 12 was not found and accordingly found innocent.

j. That on 26.04.2022, during the course of investigation, the present petitioner got recorded her statement under Section 161 Cr.P.C., wherein the petitioner levelled allegations against respondent no.6 that her scooty bearing registered number HR 22H 0462 of TVS company registered in the name of petitioner, is in possession of respondent No.6. Petitioner further asserted in her statement that amount of Rs.17,000/- belonging to petitioner is lying in the almirah, one SAMSUNG mobile is lying in the bed and amount of Rs.32,000/- was transferred in

the Phonepe account of respondent No.6. Upon the statement of petitioner, Section 406 IPC was added in the above-mentioned FIR.”

State counsel submits that there is no allegation of sexual assault against the private respondents No.7 and 10 in the statement recorded by the complainant under Section 164 Cr.P.C. As per her instructions received from L/AsI Rajbala, even history given to the examining doctor does not support this allegation. She submits that investigation is complete, but despite repeated calls, the complainant is not coming forward to join investigation.

In view of the above, prayer made in the petition cannot be entertained.

Petition is dismissed.

September 12, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>