

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CRM-M-42348-2022

DECIDED ON: 9th NOVEMBER, 2022

SUKHWINDER KAUR AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Snigdha Sood, Advocate and
Ms. Shivani Arora, Advocate
for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

Mr. Preetwinder Singh Dhaliwal, Advocate
for respondents No. 5 to 10.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been filed under Section 482 Cr.P.C seeking directions to respondents No.2 and 3 to take appropriate action against the private respondents by taking into accounts the complaints dated 21.12.2021 and 27.11.2021 (Annexures P-1 and P2, respectively) and also to conduct an impartial and fair investigation of the issue at hand for committing criminal offences made out under Sections 341, 323, 324, 506 and 34 IPC.

Learned State counsel has filed a status report dated 09.11.2022 by way of an affidavit of Mr. Mandeep Singh Sidhu, IPS, Senior Superintendent of Police, Sangrur, which is taken on record. Copy thereof, has been supplied to the counsel opposite.

According to the status report, the complaints made by the

petitioners have been duly investigated and have been found to be false.

Para Nos. 3 to 10 of the status report are relevant, which read as under:-

3. *That it is respectfully submitted that the answering respondent assumed the office of Senior Superintendent of Police, District Sangrur on 02.04.2022. Pursuant to receipt of the aforesaid order (S) passed by this Hon'ble Court, the answering respondent called the case file/related record and perused the same which revealed that the predecessor in the office of answering respondent had entrusted the complaint dated 21.12.2021 received from Sukhwinder Kaur (petitioner no. 1) to Deputy Superintendent of Police (PBI & Special Crime) Sangrur and. complaint dated 27.11.2021 received from Karamjeet Kaur (petitioner no.2) to Deputy Superintendent of Police (Control Sangrur) for inquiry, who submitted their respective reports dated 08.01.2022 and 05.05.2022. True translated copy of report dated 08.01.2022 and 05.05.2022 is annexed herewith as Annexure R-1/T and R- /T respectively for kind consideration of this Hon'ble Court.*

4. *That it is respectfully submitted that the perusal of inquiry report dated 08.01.2022/related record revealed that the petitioner Sukhwinder Kaur had submitted complaint dated 21.12.2021 with the allegations that on 26.11.2021 at around 2: P.M she along with her niece Harpreet Kaur went to their fields for collecting fodder. At that time, Ram Singh (respondent no.5) who along with his other associates (named in the complaint) was present there, had thrown chilli powder in the eyes of her niece and Lakhwinder Singh (respondent no.10) had caught her and misbehaved with her and thereafter they had inflicted injuries with sticks on her head. After that, upon on arrival of her husband Harbans Singh @ Hansa on the spot on hearing their cries, they forcibly administered him*

poisonous pesticide.

5. *That it was further alleged that though her niece had submitted complaint with Police Post Rani Ke, however, no action was taken thereupon. Thereafter, on 15.12.2021 respondent no.5, 9 and one Nikka Singh had given beatings to her nephew Avtar Singh, however the Gurtej Singh, the then Incharge Police Station Rani Ke, did not record complete statement of his nephew Avtar Singh on 18.12.2021.*

6. *That it is further submitted that during inquiry conducted by the DSP (Control Room) Sangrur it was found that Karamieet Kaur (petitioner no.2), her brother Avtar Singh and mother Sukhpal Kaur i.e. family members of petitioner Sukhwinder Kaur had caused injuries to Basant Kaur wife of Jaggar Singh (mother of respondent no.5 & 6) on 26.11.2021, for which case/FIR No. 248 dated 28.11.2021 under Section 323/341/324/506/34 IPC was registered against them at Police Station Sadar Dhuri. Dispute over Wakf Land is pending between the parties. Sukhwinder Kaur could not produce any proof to substantiate her allegations. The complaint is filed to influence investigation in case/FIR No.248 (supra), therefore no action is warranted on the complaint. The recommendation was approved by the predecessor in office of the answering respondent on 17.01.2022.*

7. *That it is further submitted that so far as complaint received from Karamjeet Kaur (petitioner no.2) on 27.11.2021 is concerned, she has alleged that on 26.11.2021 at around 2: P.M. she along with her aunt Sukhwinder Kaur went to collect fodder from fields of her grandfather. At that time the respondents' no.5 to 10 who were present there along with one Nikka Singh had caught them. Thereafter, respondent no.5 had thrown chilli powder in her eyes and respondent no.10 had hugged her and misbehaved with her and when her aunt made effort to get her released, then they gave them beating with sticks, during which injuries were caused on the head of her*

aunt. Thereafter, when her uncle came there on hearing their cries, then they forcibly administered him pesticide. The matter was reported with Police Post Rani Ke, however, no action was taken thereon.

8. That it is further submitted that during inquiry conducted by DSP (PBI & Special Crime) Sangrur it transpired that both the parties have taken land on lease from Punjab Wakf Board in their village and cases/litigation over that land is pending between them and each of them asserts their right to cultivate that land. So far as allegations of Karamieet Kaur are concerned, it was found that in furtherance of the medical ruqa received on 26.11.2021 from Civil Hospital Dhuri with regard to admission of injured Sukhwinder Kaur and her husband Harbans Singh @ Hansa, the police party headed by ASI Avtar Singh No. 2418/SGR had reached Civil Hospital, Dhuri, obtained fitness of Sukhwinder Kaur, her MLR No. AG 32/2021 (in which the doctor had opined two blunt injuries) and recorded her statement. Since no cognizable offence was made out from her statement and MLR therefore, on return DDR No. 33 dated 26.11.2021 at 11.38 p.m. Was recorded at Police Station Sadar Dhuri.

9. That it is further submitted that so far as Harbans Singh @ Hansa is concerned, it is submitted that since he was referred to Rajindra Hospital Patiala, therefore on 27.11.2021 the police party headed by SI Gurtej Singh No. 138/Barnala, Incharge Police Post Ranike reached Rajindra Hospital, Patiala, obtained fitness of Harbans Singh and recorded his statement and on return DDR No. 24 dated 27.11.2021 to that effect was recorded at Police Station Sadar, Dhuri. Besides, his statement, a complaint to that effect was also received from Karamjeet Kaur. During preliminary inquiry, the alleged occurrence and the allegation of forcibly administering the poisonous substance to Harbans Singh was not proved. Therefore, the complaint received Ail was filed. Apart from

that, it was also revealed that on 27.11.2021 based on the statement of Basant Kaur and her MLR No. SG/MLR/2021/22/160 wherein the doctor had opined one sharp and two blunt injuries, case/FIR No. 248 (supra) was registered against Avtar Singh, Karamjeet Kaur and Sukhpal Kaur. In view of the facts that came on record during inquiry, the complaint was recommended

10. That in view of the aforesaid facts and circumstances it is evident that the complaints received from petitioners were acted upon and was filed after conducting thorough inquiry. False allegations are being levelled against the police officials in order to obtain some favourable order from this Hon'ble Court.

In view of above, it is abundantly clear that the grievance raised by the petitioners has already stands redressed and the present petition has been rendered infructuous.

Disposed of as having rendered infructuous.

However, petitioners are at liberty to take any other appropriate legal remedy in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

9th NOVEMBER, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>