

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

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**CWP-21314-2022 (O &M)
Date of decision: 23.11.2022**

SANATAN DHARM VIDYA MANDIR SCHOOL

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Manish Gupta, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CM-16189-CWP-2022

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 read with Article 226/227 of the Constitution of India seeking pre-ponment of the date of hearing.

Since the application for has been listed on the date when the main case is already fixed, the same is dismissed as not pressed.

MAIN CASE

The instant petition has been filed under Article 226 of the Constitution of India for seeking issuance of writ in the nature of Mandamus for constitution of a Special Investigation Team for fair and impartial investigation in FIR No. 767 dated 02.09.2022 registered

under Section 10 of POCSO Act, 2012 at Police Station Chandni Bagh, Panipat.

Reply by way of an affidavit of Pardeep Kumar, HPS, Deputy Superintendent of Police, Crime Against Women, Panipat on behalf of respondents No.1 to 4 has been filed today in Court.

It has been submitted that after receipt of the complaint, FIR in question was registered and statement of the complainant as well as her daughter-victim was recorded under Section 164 Cr.P.C. by the by the Judicial Magistrate, First Class, Panipat wherein they have specifically stated that they do not want to take any further action and the complaint was born out of misunderstanding of the circumstances. Counselling of the victim-girl has also been got done from the Child Welfare Committee. It has also come forth during enquiry that the respondent No.5 has not used any bad language not touched the victim with any sexual intent and that by taking into consideration the totality of the circumstances and conclusion of the investigation, a cancellation report has already been got prepared and would be submitted before the Magistrate.

Learned counsel appearing on behalf of the petitioner contends that the objective filing of the present petition was only to ensure that a fair investigation has conducted and that he has no further impending interest over and above the same of the complainant and the victim. No further directions are required to be given in the present petition. The parties would be however at liberty to take recourse to the alternative remedy as per law.

The petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 23, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No