

CRWP-10705-2020 (O&M)
Date of Decision: 09.02.2022
(Heard through VC)

NEELAM SHARMA

...Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Rajiv Kawatra, Advocate,
for the petitioner.

Mr. A. S. Gill, Sr. DAG, Punjab.

Mr. Pradeep Virk, Advocate
for respondent No. 5.**JAISHREE THAKUR, J. (Oral)**
CM-801-2021

Prayer in the application is for placing on record Annexures P-
25 to P-27.

Allowed as prayed for.

Annexures P-25 to P-27 are taken on record.

Main Case:

The instant petition has been filed under Article 226/227 of the Constitution of India has been filed in the nature of mandamus, directing respondent No. 2 i.e. Director General of Police to protect the life and the liberty of the petitioner and her family and not to harass them at the instance of respondent No. 5 by conducting multiple enquiries in FIR No. 91 dated 03.06.2020, registered under Sections 323, 498-A and 509 IPC at Police Station Goraya, District Jalandhar.

In order to understand the controversy which led to the filing of

the instant petition it is appropriate to note a few facts.

The son of the petitioner Aditya Sharma was working as sub-Inspector in Punjab Police at Patiala who allegedly got into relationship with respondent No. 5, namely, Ritu Salaria. Respondent No. 5 got a case registered against him vide FIR No. 144 dated 20.09.2019, registered under Sections 354-A, 323, 509 and 427 IPC at Police Station Sadar, Hoshiarpur, to which FIR Section 376 IPC was added. Aditya Sharma was granted bail and ultimately, the matter was compromised with a marriage being solemnized between Aditya Sharma and respondent No. 5-Ritu Salaria. Marriage having being solemnized between the parties, a quashing petition was preferred by Aditya Sharma in this Court which is numbered as CRM-M-7268-2020 in which respondent No. 5 put in an appearance and admitted to a marriage having been solemnized between her and Aditya Sharma. However, a request was made to keep the matter pending to allow the parties to settle in their marriage. CRM-M-7268-2020 is still pending in this Court and the aforesaid FIR has not been quashed to date.

Subsequent to the marriage having been solemnized, differences arose again between Aditya Sharma and respondent No. 5 which led to the filing of the present FIR by respondent No. 5 which is FIR No. 91 dated 03.06.2020 under Sections 323, 498A and 509 IPC registered at Police Station Goraya, District Jalandhar. FIR No. 144 dated 20.09.2019 was registered at Hoshiarpur.

Learned counsel appearing on behalf of the petitioner herein would contend that the petitioner herein is the mother-in-law of respondent

No. 5 and she and her family members are being harassed at the hands of respondent No. 5 because of repeated complaints being made by her at various levels. It is submitted that even the sister of respondent No. 5 has been creating pressure upon the police by sending e-mails to various quarters which has led to the filing of the instant petition. It is submitted that the matter has been investigated at various levels, but the complainant is not satisfied and would ask for another Officer to be appointed. On account of the harassment the petitioner has approached the High Court.

Learned counsel for the complainant herein would contend that after the registration of the FIR under various Sections including Section 376 of IPC, Aditya Sharma Solemnized the marriage with the complainant -respondent No. 5 however did not mend his ways and he and his family members subjected her to extreme cruelties which necessitating the filing of FIR No. 91 dated 03.06.2020 under Sections 323, 498A and 509 IPC registered at Police Station Goraya, District Jalandhar. It is also argued that late husband of the petitioner and the father of the Aditya Sharma was in the Police and therefore, proper investigation was not being done in the matter which necessitated respondent No. 5 to file various representations for proper investigation in the matter, which statement is countered by counsel for the petitioner by contending that it is a matter of matrimonial dispute and initially there was no allegations against the family members of Aditya Sharma.

To allow the investigation in this matter to be completed it is proposed to appoint a Senior lady Police Officer who is neutral and

accepted to both parties.

This Court after having gone through the parties, the pleadings of the case and the various documents placed on record, would consider it appropriate to appoint Mrs. Nilambri Vijay Jagdale who is now posted as AIG, Cyber Crimes, Mohali to look into the matter afresh.

This suggestion of appointing Mrs. Nilambri Vijay Jagdale as the appropriate Investigation Officer, is not opposed by both the counsel appearing on behalf of the petitioner and respondent No. 5.

Mrs. Nilambri Vijay Jagdale, who is currently working out of Mohali is at liberty to take the help of an Officer not below the rank of Senior Superintendent of Police in this matter, who would help in the matter of investigating the allegations as made out in FIR No. 91 dated 03.06.2020 under Sections 323, 498A and 509 IPC registered at Police Station Goraya, District Jalandhar.

The other prayers that have been made in the petition at Paras 25 3(i), 4 (i)(vi) are being withdrawn by learned counsel for the petitioner with liberty to avail appropriate remedy.

With this appointment of Mrs. Nilambri Vijay Jagdale as the Investigation Officer in FIR No. 91 dated 03.06.2020 under Sections 323, 498A and 509 IPC registered at Police Station Goraya, District Jalandhar, the instant petition is disposed of, accordingly.

09.02.2022

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No