

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

CRWP-11105-2021

Date of decision : 22.03.2022

Ramanpreet Kaur

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Onkar Rai, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Arav Gupta, Advocate
for the respondents No.4 and 5.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for issuance of writ in the nature of mandamus directing respondents No.1 to 3 to protect life and liberty of the petitioner from the hands of respondents No.4 and 5 and their unknown accomplices.

It was contended by counsel for the petitioner that the petitioner is sexually exploited by respondents No.4 and 5. He submits that respondent No.4 on number of occasions committed rape upon her on the promise of marriage. However, the promise was never fulfilled. The petitioner is running from pillar to post for lodging the FIR against the respondents. However, since respondent No.4 and 5 are influential persons, therefore, neither any FIR is registered against them nor any action has been taken. Having no other alternative, the petitioner has approached this Court by way of the present petition.

After hearing counsel for the petitioner, this Court issued the notice to the State with a direction to file the status report. In pursuance to

the same, the State has filed the status report by way of an affidavit of Surinder Pal, PPS, Assistant Commissioner of Police (East), Ludhiana.

Learned State counsel submits that the complaints filed by the petitioner were duly enquired into and the same were found to be false. He has drawn the attention of this Court to the status report filed wherein, a detailed action taken in pursuance to the complaint filed by petitioner has been elaborately mentioned. He has submitted that enquiries on the complaints filed were conducted by various officers and thereafter, Joint Commissioner of Police, Head Quarter, Ludhiana was directed by the Commissioner of Police, Ludhiana to examine the entire matter. Accordingly, Joint Commissioner of Police, Head Quarter, Ludhiana perused the entire record including the complaints filed by the petitioner and the enquiry reports prepared by the respective officers. Finally, the Joint Commissioner of Police, Head Quarter, Ludhiana vide his enquiry report dated 29.10.2021 found that the allegations levelled by the petitioner in the said complaints were false. It was established during the enquiry that the petitioner and respondent No.4 had a consensual relationship. The petitioner is Ph.D. qualified and she came in contact with respondent No.4 through Facebook. However, later on there occurred a rift in their relationship and on account of the same, the present complaints were filed. DDR No.22 dated 22.03.2020 was also recorded at P.S. Meharban, Ludhiana. It was found during the enquiry that respondent No.4 used to pay college fee of the petitioner and he also gave one Apple iphone to the petitioner which was purchased from White House Electronics. It is apparent from the detailed enquiry conducted and the complaints filed by the petitioner that the allegations levelled by petitioner were found to be false and no offence as alleged was found to have been made & hence, the FIR was not registered.

Learned counsel for respondents No.4 and 5 has also submitted on the same lines as submitted by learned State counsel. He has contended that the petitioner is in a habit of filing frivolous complaints which on the enquiry conducted earlier were found to be false and frivolous.

After hearing the counsel for both the parties and perusing the record, it is apparent that as per the submissions made by counsel for the State, the complaints filed were duly enquired into. However, the allegations levelled were found to be false.

The Hon'ble Supreme Court in Sakiri Vasu Vs. State of Uttar Pradesh and others, 2008(2) SCC 409 has held that the High Court should discourage the practice of entertaining a writ petition or petition under Section 482 Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. In such a case, appropriate remedy for the petitioner is available under Section 36 and 154(3) Cr.P.C. before the concerned police officer or under Section 156(3) before the Magistrate concerned.

In the overall facts and circumstances, this Court finds that the present petition be disposed of with liberty to the petitioner to approach the police officer or the magistrate concerned to seek her remedies as available under the law.

Petition is disposed of in the above-mentioned terms.

(RAJESH BHARDWAJ)
JUDGE

22.03.2022
m. sharma

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