

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49824-2022 (O&M)
DECIDED ON: 16th NOVEMBER, 2022

GURPREET KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr.Mukul Goyal, Advocate for
Mr. J.S. Thind, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J.

CRM-40603-2022

Application is allowed, as prayed for.

CRM-M-49824-2022

The instant petition has been filed under Section 482 Cr.P.C. seeking directions to respondents No.1 to 3 to lodge FIR and to conduct a fair, impartial investigation into the complaint (Annexure P-1), as the petitioner has been gang-raped, molested, blackmailed and assaulted by the private respondents.

A short reply dated 15.11.2022 by way of an affidavit of Sh. Balbir Singh, PPS, Deputy Superintendent of Police, Sub-Division Dasuya, District Hoshiarpur, filed by the counsel for the State, is taken on record.

Para Nos. 3 to 6 thereof, are being reproduced for ready

reference, which reads as under:-

“3. That it is submitted that the petitioner submitted an application No. 142/NCST dated 25-04-2022, 123/NCST, dated 13-04-2022 against Mandeep Bhatia and others to the Punjab State Commission and the said application was marked for inquiry to SHO, P.S. Dasuya and he got conducted inquiry from ASI Harbhajan Singh, P.S. Dasuya, District Hoshiarpur and he found that the allegations of snatching of gold chain and demand of Rs. 10,00,000/- levelled by the petitioner were found to be false. The petitioner has also levelled allegations against Pooja, Sunita, Karnail Singh and Amit Kumar @ Ladda for doing her reiky etc. and the said allegations were found to be false in the inquiry and the above said persons namely Pooja, Sunita, Karnail Singh and Amit Kumar @ Ladda were found to have no concern with Mandeep Bhatia. The petitioner has submitted application against her neighbourer for minor arguments. The inhabitants of mohalla of the petitioner gave, common statement that the petitioner is harassing them. The allegations regarding rape upon her by Mandeep Bhatia, Mangal Singh and Sandeep Singh @ Deep were found to be false in the inquiry. The petitioner has not levelled allegations of rape in her earlier applications. From the recording of pandrive produced by the petitioner, the allegations of rape levelled by the petitioner were found to be false. The allegations levelled in the application bears no truth and as such the SHO, P.S. Dasuya, District Hoshiarpur recommended to file the application of the petitioner and sent the inquiry report to Senior Police Officer for approval.

4. That it is humbly submitted that the petitioner Gurpreet Kaur submitted an application No.6800-PD, dated 09-08-2022 (Annexure P-1) to the Senior Superintendent of Police Hoshiarpur against Station House Officer of Police Station

Dasuya for violating the provisions of Section 154 Cr.P.C. for deliberately not registering the FIR on the basis of complaint filed in the month of December, 2020 which prima-facie reveals the commission of cognizable offences as mandated by the Hon'ble Supreme Court of India in Lalita Kumari's case (Supra) and intentionally not arresting the accused as per Section 41 Cr.P.C., when the Police Officer received information that the accused may commit further offences and he is required to be prevented from doing so. The said application was marked for inquiry to SHO, P.S. Dasuya and he conducted inquiry into the matter and found that the petitioner submitted an application against Mandeep Bhatia and others for taking action against them that the opposite party also submitted an application No.766-PD, dated 23-2-2022 against the petitioner and her mother Hardeep Kaur for committing fraud and for non-payment of money. The petitioner also submitted an application No.211-Dasti dated 25-05-2022, against Mandeep Bhatia, Lovepreet Singh @ Gora, Mangal Singh, Deep and unknown persons for snatching her gold chain weighing 2 tola and for demand of Rs.10,00,000/- and the said application was inquired into by the then SHO, P.S. Dasuya, District Hoshiarpur and was found to be false by the then SHO, P.S. Dasuya and the same was recommended to be filed by the then SHO, P.S. Dasuya. The application No.766-PD, dated 23-02-2022, was filed on account of compromise between the petitioner and Mandeep Bhatia etc. The petitioner submitted an application 6800-PD, dated 09-08-2022 (Annexure P-1) against Mandeep Bhatia, Mangal Singh and Sandeep Singh @ Deep for not taking action for committing rape upon her. In this regard the petitioner earlier submitted applications 142/NCST dated 25-4-2022, 123/NCST dated 13-04-2022 to the Punjab State Commission and the said applications were marked for inquiry to ASI Harbhajan Singh by SHO, P.S. Dasuya, District

Hoshiarpur and he conducted inquiry into the matter and found that no finding for committing rape upon the petitioner by Mandeep Bhatia and others took place in the inquiry and he recommended to file the said applications and the report of the said application has been sent to Senior Police Officers for approval. The inquiry report with regard to the allegations levelled in application No.6800-PD, dated 09-08-2022 has already been sent to the Senior Police Officers for approval. Therefore, the SHO, P.S. Dasuya, District Hoshiarpur recommended to file the aforesaid application bearing No. 6800-PD, dated 09-08-2022 (Annexure P-1) for approval.

5. *That it is submitted that the application dated 13-08-2022 (Annexure P-3) was submitted by the petitioner to the Senior Superintendent of Police, Kapurhala and as such the answering respondents have no concern with the same.*

6. *That it is submitted that the petitioner has filed false and frivolous petition against the answering respondents with a view to harass whereas the application (Annexure P-1) and other applications mentioned above submitted by the petitioner were inquired into by the Police of Distt. Hoshiarpur and the same were found to be false. Therefore, the present petition is liable to be dismissed.”*

A perusal of the afore-said reply makes it evident that various complaints filed by the petitioner against the private respondents were duly investigated by the investigating agency and during investigation the allegations levelled in those complaints were found to be false and frivolous and accordingly, those complaints were ordered to be filed.

At this stage, this Court cannot interfere in the investigation process once the learned State counsel has categorically stated that a thorough investigation has been conducted as elaborated in the afore-said

reply.

Keeping in view the totality of the facts, this Court is fully convinced on the reasons mentioned hereinabove, the present petition deserves to be dismissed being devoid of any merits.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

16th NOVEMBER, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>