

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

235

CWP-34226-2019

Date of decision: 05.12.2022

AMARJIT KAUR

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Mohit Kakkar, Advocate for
Mr. Bhupinder Ghai, Advocate
for the petitioners.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of writ in the nature of Mandamus directing to respondents No. 2 to 4 to decide the representation dated 15.11.2019 (Annexure P-7) by passing a reasoned and speaking order. A further prayer is also sought for issuance of directions to the respondents to send notice under Section 160 Cr. P.C. in case the petitioners or any member of their family are required in any kind of investigation before registration of the case.

A written statement on behalf of respondents No.1 to 3 and 5 to 8 had been filed on 20.01.2020 with copy in advance to the counsel for the petitioner. It is evident from a perusal of the aforesaid report that case FIR No. 124 dated 11.10.2019 under Section 406, 420 and 120-B of the IPC had been registered at Police Station Mullanpur Garibdas,

District S.A.S. Nagar on the complaint of one Lakhvir Singh. Statement of witnesses were recorded under Section 161 Cr.P.C. and that despite issuance of warrants of arrest, the accused namely Sabina and Kulwant Kaur are evading the arrest. Another case FIR No.87 dated 21.10.2019 under Section 406, 420 and 120-B of the IPC was registered at Police Station Block Majari, District SAS Nagar against Amarjit Kaur on the complaint of one Raj Bikramjit Singh.

During the course of investigation of the above case in the FIR No. 87 the statements of witnesses were duly recorded and accused the Amarjit Kaur joined the investigation. The said case was also stayed due to pending investigation. The representation dated 15.11.2019 (Annexure P-7) which is prayed for to be looked into by the concerned Senior Superintendent of Police was marked to the Deputy Superintendent of Police, Sub Division, Kharar-II for enquiry during which the petitioners as well as his mother-in-law namely Amarjit Kaur were called to the office by the Inquiry Officer and their statements were recorded. Instead of getting the statements recorded and to substantiate the allegations leveled by them, the petitioners chose to make a statement to the effect that they do not want the police to take any action on their representation and that the orders passed by the High Court would be acceptable to them. Thereafter, the accused persons were, however, summoned by the Investigating Officer in the case FIR No. 124 (supra) to join the enquiry proceedings.

It has also been stated in the aforesaid status report that upon enquiry into the representation and after recording statements of the petitioners, the allegations leveled by the complaints were found to

be false and the enquiry was recommended to be filed vide report dated 22.01.2020. It has further been averred in Para No.9 of the aforesaid short reply that the District Police shall follow the guidelines issued by the Hon'ble Supreme Court as well as by this Court in true letter and spirit and has been issuing notices under Section 160 Cr.P.C. for summoning of the accused. No rejoinder controverting the said affidavit has been filed by the petitioners.

Taking into consideration the fact that the representation of the petitioner after being enquired into has been found to be false and that the respondents have stated that the procedure contemplated under the Cr.P.C. is being followed, the present petition does not call for issuance of any further directions. The same is accordingly disposed of as not pressed.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 05, 2022

Vishal sharma

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