

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

238

CRM-M-7098-2021 (O&M)

Date of order: 07.08.2023

Kavita

.....Petitioner(s)

Vs.

State of Haryana & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

Mr. Brijesh Sharma, AAG Haryana.

Nidhi Gupta, J.

Present petition under Section 482 Cr.P.C. is filed seeking appropriate direction to respondents No.2 to 5 to submit status report of case bearing FIR No.52 dated 10.10.2020 under Sections 341, 354-A and 354-D IPC registered at Police Station Women Dabwali, District Sirsa (Annexure P1).

2. Learned State Counsel submits that thorough investigation was conducted by the Investigating Agency as well as by the DSP Dabwali. It is submitted that after investigation as the allegations levelled by the petitioner against the private respondents were not found to be correct, hence, cancellation report was prepared on 19.10.2020, and thereafter, it was sent to higher officers for approval. The said cancellation report was approved by office of Superintendent of Police, Sirsa vide office memo No.900 dated 03.06.2022. Thereafter, the same was submitted before the Challan Checking Committee (ADA-P) Sirsa. After

approval/checking of the cancellation report from the office of Assistant District Attorney/Challan Checking Committee, the same was submitted in the Court on 14.11.2022. On 14.11.2022, learned SDJM, Dabwali (Annexure R1) had passed the following order:-

“Cancellation report presented today. It be checked and registered. Complainant-Kavita duly identified by Investigating Officer made a statement that she is not satisfied with the cancellation report and she desirous to file the protest petition. She sought some time in this regard. Hence in view of the statement suffered by the complainant, now to come upon on 11.04.2023 for filing protest petition & for further proceedings”.

3. It is further submitted that on 01.12.2020, complainant-Kavita moved a complaint bearing No.3859-PC dated 03.12.2020 before Superintendent of Police, Sirsa and to the other Higher Authorities, for further fair investigation of her case. Said complaint was marked to DSP, HQ, Sirsa for further enquiry. After thorough enquiry, DSP, HQ, Sirsa has submitted its report that, “allegation in the FIR No.52 dated 10.10.2020 were not found as correct and case has been found got registered falsely & also submitted that as perusal of case file, the investigation of the case was found conducted fairly, hence the complaint dated 01.12.2020 (of present petition) was reported as filed to record room”.

4. Per contra, learned counsel for the petitioner submits that investigation in the present case has not been carried out properly and the evidence placed on record by the petitioner has not been considered by respondents No.2 to 5. It is further submitted that the present FIR is of the

year 2020, however, cancellation report has been filed three years thereafter only on 14.11.2022. It is submitted that the respondents are shielding the accused.

5. However, on direct Court query as to why the accused are being shielded by respondent-State, learned counsel for the complainant is unable to give any answer. In any event, the short prayer in the present petition was for a direction to the respondent State to file a status report in case bearing FIR No.52 dated 10.10.2020. From the facts as noticed above, it appears that investigation in the matter has been conducted fairly and properly. In case the petitioner is not satisfied with the investigation, it has been admitted by learned counsel for the petitioner that remedy of protest petition is available to the petitioner. Accordingly, keeping in view the facts as noticed above, which are not denied by learned counsel for the petitioner, the present petition has been rendered infructuous being fully satisfied, and is disposed of as such.

6. Pending application(s) if any also stand(s) disposed of.

07.08.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No