

**In the High Court of Punjab and Haryana at Chandigarh**

**119**

**2023:PHHC:050328**

**CRM-M-17344 of 2023**

**Date of Decision: 12.04.2023**

**Saroj**

**---Petitioner**

**versus**

**State of Haryana and others**

**---Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Tanmoy Gupta, Advocate  
for the petitioner

Ms. Dimple Jain, AAG, Haryana

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**JAGMOHAN BANSAL, J. (ORAL)**

The petitioner through the instant petition under Section 482 Cr.P.C. is seeking independent, fair and unbiased investigation of FIR No. 196 dated 9.6.2022, under Sections 120-B, 376, 452 and 506 IPC and Section 25 of Arms Act, registered at Police Station, Sadar Palwal, District Palwal. There is further prayer that life of the petitioner may be protected as the petitioner is having threat perception at the hand of private respondents.

Learned counsel for the petitioner inter alia contends that FIR was registered on 9.6.2022, however, till date no accused has been arrested. The petitioner has made various representations to protect her life. There are concrete evidence disclosing commission of offence on the part of private respondents, however, police is not

making free and independent investigation.

Learned State counsel, who on advance notice, is present in Court, on instructions from DSP Amit Kumar, states that petitioner has refused to get her medically examined and further disclosed that offence under Section 376 IPC has not been committed, thus, Section 376 IPC has been deleted. With respect to commission of offence punishable under Section 452 IPC, police has recovered mobile phones of respondents and have sent the same to laboratory to retrieve data and find out location of the private respondents. As soon as report is received from laboratory, an appropriate action would be taken against the respondents.

I have heard counsel for the parties and perused the records.

This Court cannot direct police to arrest anyone unless and until it is found that there is misuse of power or abuse of process of law. FIR was registered under Section 376 IPC apart from other Sections of IPC and petitioner herself has conceded that no offence under Section 376 IPC was committed. In such circumstances, it would not be fair and reasonable to direct police to arrest respondents unless and until adverse material in the form of test report or other evidence is received.

This court is sanguine of the fact that police would take appropriate action as soon as report is received from the laboratory disclosing commission of offence on the part of respondents or any other evidence is received.

**2023:PHHC:050328**

**CRM-M-17344 of 2023**

**-3-**

The petitioner with respect to apprehension of injury, is at liberty to submit evidence before jurisdictional DSP.

If any representation is made to DSP with respect to apprehension of causing injury to petitioner at the hands of private respondents, the jurisdictional DSP would look into the matter and take appropriate action.

Disposed of.

**( JAGMOHAN BANSAL )**  
**JUDGE**

**12.4.2023**

*paramjit*

Whether speaking/reasoned : Yes

Whether reportable : Yes/No