

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-39739-2021

Date of Decision: 09.10.2023

Gurmeet Kaur

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

Mr. Jaswinder Singh Arora, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of a direction to the official respondents to submit final report under Section 173 Cr.P.C. in case FIR No. 005 dated 05.01.2021 (Annexure P-1) registered under Section 376 IPC at Police Station City Budhlada, District Mansa.

Upon notice, status report dated 18.02.2022, filed in the Registry, by way of affidavit of Sh. Sukhamrit Singh Randhawa, PPS, Deputy Superintendent of Police, Sub-Division Budhladha, District Mansa, on behalf of respondents No. 1 to 3, is taken on record. Para Nos. 4 and 6 of the status report are hereby reproduced as under:-

“4. That during the investigation of the present case FIR, applications were moved by the petitioner/complainant before the Ld. Punjab State Women Commission, Chandigarh and Punjab State Schedule Caste Commission, Chandigarh, for enhancement of offence under the provision of Schedules Castes and Schedule Tribes Act and

during the enquiry of the said applications by the then Assistant Superintendent of Police, Sub-Division Budhladha, District Mansa, it was found that the petitioner/complainant belongs to Schedule Caste, as such, vide DDR No.53, Dated 02.11.2021, entered at Police Station City Budhladha, offence under section 3(2)5V Scheduled Castes and Scheduled Tribes Act, 1989, was enhanced in the present case FIR and notice dated 25.12.2021 was served on the accused Sahil Jain regarding his arrest in the present case FIR for the enhanced offence under section 3(2)5V Scheduled Castes and Scheduled Tribes Act, 1989, in the present case FIR, however, on 14.01.2022, accused Sahil Jain got the concession of anticipatory bail from the Ld. Court of Additional Sessions Judge Mansa, in compliance to the said order accused Sahil Jain had joined the investigation with the answering deponent on 20.01.2022, after joining the accused Sahil Jain in the investigation proceedings, he was released on bail, on furnishing of personal bonds by him.

5. xxx xxx xxx

6. That after completion of investigation in the present case FIR, report under section 173 Cr.P.C. for the offence under section 376 IPC read with section 3(2)5V Scheduled Castes and Scheduled Tribes Act, 1989, was prepared against the accused Sahil Jain and after getting it checked from the Ld. Public Prosecutor for the State and after removing the objections, if any, the same will be presented before the competent Court of Law.

That the offence under section 3(2)5V Scheduled Castes and Scheduled Tribes Act, 1989, has already been enhanced in the present case FIR and investigation of the present case FIR is completed and the challan has been prepared in this case and the same is under the checking stage and after complying with the objections, if any, as raised by the Ld. Public Prosecutor for the State, the challan will be put forward before the competent Court of Law soon. As such, as and when the investigation of the present case FIR is completed and the offence under section 3(2)5V Scheduled Castes and Scheduled Tribes Act, 1989, has already been enhanced, hence the present petition deserves to be dismissed qua the answering respondents.”

On instructions from ASI Kuldeep Singh, learned counsel for the State submits that vide judgment dated 22.12.2022 passed by the learned Additional Sessions Judge, Mansa, the accused in the present case has been acquitted, therefore, no further direction is warranted in the present petition.

In view of the above, learned counsel for the petitioner submits that the present has been rendered infructuous and may be disposed of as such.

Ordered accordingly.

09.10.2023

(NIDHI GUPTA)

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JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No