

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34824-2023 (O&M)
Date of Decision : 13.09.2023

Babita

....Petitioner

VERSUS

State of Haryana and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Shobhit Rapria, Advocate for the petitioner

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ALKA SARIN, J. (Oral)

1. This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for issuance of directions for fair and proper investigation under the supervision of a retired judge in case arising out of FIR No.271 dated 13.05.2023 registered under Sections 328, 376-D, 384 of the Indian Penal Code, 1860 (IPC) at Police Station Sonipat City, Haryana.

2. Learned counsel for the petitioner would contend that the FIR being FIR No.271 dated 13.05.2023 under Sections 328, 376-D, 384 IPC was lodged wherein it was stated that the complainant already knew Pradeep, Advocate and one day (no date mentioned), about a month ago, she got a phone call on her mobile No.9350090249 from Pradeep's mobile No.7357777702 and he asked her to send him her location. It is further stated in the FIR that she sent the location to Pradeep with the assistance of a roadside stranger. It has further been alleged that after an hour, Pradeep

came and started joking with her and said that he would follow the application she had given and will fight her without fees. It is further the allegation that again one day (date not mentioned) Pradeep and his friend, to whom Pradeep was referring to as Jadugar, met her when she was walking near Sector 23 at about 10:00/11:00 pm . Pradeep was driving the car and his friend was also sitting by his side. They stopped the car and asked her to sit in the car for two minutes as they wanted to talk to her about something important and also gave her a glass of juice. Thereafter, after drinking the same, she fell unconscious. It is further the allegation that she was found naked in a hotel in Murthal and Pradeep was misbehaving with her whereas Pradeep's friend Jadugar was video recording the entire incident. The whole night wrong acts were committed upon her and thereafter Pradeep started blackmailing her and told her either to pay him money or else he would make the video viral. Then she gave one gold chain, two gold rings and Rs.50,000/- in cash. Thereafter, after about 4-5 days, he again started blackmailing her. Hence, the present FIR.

3. Learned counsel for the petitioner would contend that due to shoddy investigation, vide order dated 31.05.2023 passed by the Chief Judicial Magistrate, Sonipat, the Investigating Officer was also changed. It is further the contention that despite serious allegations, no action has been taken in the present case.

4. Notice of motion.

5. Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of the respondents. She, on instructions from ASI Manjeet Singh, has stated that in the present case cancellation report has been prepared and presented before the Illaqa Magistrate in which the petitioner has been summoned for 16.09.2023 where the petitioner can file her objections. She has further submitted that in the present case the reason for filing of the cancellation report is that earlier FIR No.113 dated 10/11.04.2023 was lodged by the present petitioner wherein she had alleged that she had been raped by one Vijay. The incident was stated to have taken place on 10.04.2023 in the said case. Subsequently, she had compromised the said matter by giving an affidavit that no rape had been committed upon her. Learned State counsel, on instructions, further states that Pradeep was counsel for the petitioner in the said case. Subsequently, the present FIR has been lodged on 13.05.2023. Though no dates are forthcoming from the FIR, however, incident referred to above is stated to have happened about one and a half months earlier to the lodging of the FIR. Learned counsel has further contended that in the earlier FIR i.e. FIR No.113 dated 10/11.04.2023 this fact was not mentioned though the present incident, going by the time period, had taken place by then. It is further the contention that after a detailed investigation the cancellation report has been prepared. Learned counsel has further pointed out that infact an FIR being FIR No.401 dated 27.07.2023 has been lodged against the petitioner herein and two of her Advocates under Sections 384, 389, 419, 500, 506 and 120-B IPC and Section 25 of the Arms Act, 1959 on

the basis of a video recording where they can be seen demanding money from Pradeep and Surender who are accused in FIR No.271 dated 13.05.2023. Learned counsel for the State has also pointed out that one of the counsel, against whom the FIR has been lodged, is also a signatory to the present petition.

6. In view of the submissions made by the counsel for the State, this Court does not wish to delve into the merits of the present case. Suffice it to say that the cancellation report has been prepared and submitted by the police before the Illaqa Magistrate wherein the petitioner has been summoned for 16.09.2023. The petitioner would always be at liberty to raise all her objections to the cancellation report before the Court concerned. No further orders are required to be passed in the present petition which is dismissed accordingly. It is made clear any observation made herein shall not be treated as an expression of opinion on the merits of the case.

7. Pending applications, if any, also stand disposed off.

September 13, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO