

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

213

**CRM-W-156-2023 in/and
CRWP-10831-2022 (O&M)
Decided on: February 07, 2023**

**SANDEEP KAUR MINOR THROUGH HER REAL SISTER /
GUARDIAN/ CARE TAKER AMANJOT KAUR**

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

Mr. J. S. Gill, Advocate
for respondents No. 4 to 7.

SANJAY VASHISTH, J. (Oral)

Present criminal writ petition, under Article 226 of the Constitution of India, has been filed by one Sandeep Kaur (minor), through her real sister/Guardian/Care-taker, namely, Amanjot Kaur, for issuance of a writ in the nature of mandamus, directing official respondents to save the life and liberty of minor petition, who is allegedly sexually exploited by her own family. Further prayer has been made for directing official respondents to investigate the case initiated by minor petitioner through her complaint, bearing UID No. PGO-No-63381, dated 05.11.2022 (Annexure P-1).

When the case came up for hearing on 17.11.2022, while issuing notice of motion for 01.12.2022, learned State counsel was

directed to file status report in the matter. Thereafter, on 14.12.2022, respondent Nos. 4, 5, 6 and 7 caused appearance through their counsel and sought time to file reply. Further time was also granted to respondent-State to file reply, and the matter was adjourned to 30.01.2023.

After appearance of the respondents, Criminal Miscellaneous Application No. CRM-W-119-2023, was filed on behalf of the petitioner, seeking permission to withdraw the main petition. However, realizing the fact that petitioner Sandeep Kaur, who suffered victimization at the hands of respondent No. 4, is minor, said application (CRM-W-119-2023) was permitted to be withdrawn, vide order dated 30.01.2023, with liberty to file a fresh one with all the details, such as, issue raised in the present petition on behalf of the petitioner – Sandeep Kaur; terms of settlement (if any), status of investigation done by the police in the matter, and how the interests of minor are being safeguarded.

Now, again Criminal Miscellaneous Application No. CRM-W-156-2023 has been filed, seeking withdrawal of the main petition, i.e. CRWP-10831-2022. Said application is duly supported by an affidavit dated 02.02.2023 of Amanjot Kaur, who is real sister/guardian/caretaker of minor petitioner – Sandeep Kaur, and para Nos. 2 to 8 thereof reads as under:-

“2. That it is brought to the notice of this Hon' ble Court that the above said Crl. Writ Petition was filed by Sandeep Kaur minor through her real sister/guardian Amanjot Kaur with the allegations against Respondent NO.4 that he committed rape upon her on the pretext of bearing her expenses of imparting IELTS Education and for the said purpose Respondent NO.4 called her to his office of consultancy at Kipps Market, Ludhiana. Petitioner told about the incident to her mother but the

mother also did not help and told her to remain silent. Respondent No. 4 had also threatened her to keep quiet or he will eliminate the father of the Petitioner. Petitioner submitted a complaint to the Police i.e. Annexure P-1 and thereafter approached this Hon'ble Court by filing the above said petition.

3. *That it is relevant to mention here that on the said complaint the investigation was done by the SHO, P.S.Sadar Ludhiana in which it transpired that the Petitioner along with her parents and sister used to stay in the house of Respondent No. 5 since long and the Sister of the petitioner was got married by the family of Respondent No. 5. After the marriage dispute arose between the sister of Petitioner and her husband Harjit Singh and a complaint was made before the Women Cell, Ludhiana. Respondent No.5 helped the Petitioner's sister during the said dispute but later on both husband and wife compromised the matter and Harit Singh started keeping grudge against the family of Respondent No. 5. After sometime Harjit Singh took the family of the Petitioner to his village Dakha and moved certain complaints against Respondent No. 5 but during inquiry all were found to be false. Peeved at having nothing getting happened on his complaints Harjit Singh got moved the complaint (Annexure p-1) through his wife leveling false allegations of rape with the Petitioner, on the story stated in para no. 1 above. The said inquiry of SHO was not approved by the Commissioner of Police who further directed ADCP-2 to personally verify the matter and submit the report. It was also found that the complaint Annexure P-1 was moved one day after a complaint was made by the parents of the Petitioner to the Police.*
4. *That ADCP-2 verified the facts by joining both the sisters as well as the Respondents and it was here that both the sisters made a statement that it was a petty quarrel with Respondent No. 5 peeved at which the said false allegations were made in the complaint (Annexure P-1) and rather Respondent No. 4 had not committed any wrong act with the Petitioner and therefore, they do not want to take any action on the said complaint. The same has been submitted to the Commissioner of Police for further action.*
5. *That as the Petitioner had gone astray due to a small dispute with Respondent No. 5 and realized her mistake, the relations have been mended with the intervention of the parents as well as the respectables and friends and the Petitioner has no grouse left. Even*

the Respondents have assured to carry on the ties as they were for the last more than 20 years and the parents have also welcomed the Petitioner. For the last few months the Petitioner is staying with her married sister at Village Dakha and can even join the company of her parents at her sweet will.

6. *That in view of the above stated position and the misunderstandings having been sorted out with one and all, the Petitioner humbly prays that the kind indulgence of this Hon' ble Court in allowing the petitioner to withdraw the present petition, in the interest of justice and betterment of the family.*
7. *That keeping in view the facts and circumstances of the present case, the petitioner wants to withdraw the above noted crl. writ petition and do not wants to pursue the present litigation pending before this Hon' ble Court.*
8. *That the petitioner will suffer irreparable loss if necessary is not granted to the petitioner to withdraw the above noted case.”*

Status report, dated 04.02.2023, by way of affidavit of Assistant Commissioner of Police (South), Ludhiana, has also been filed on behalf of respondent Nos. 1 to 3, and para No. 3 of the same says as under:-

“3. That in compliance to the said order of this Hon'ble Court, it is respectfully submitted that on the same allegations, the petitioner had moved Complaint Annexure P-1 bearing UID No. PGO No. 63381 dated 05.11.2022 on which an intensive enquiry was conducted by the SHO, P.S. Sadar, Ludhiana during which various persons including both the parties were joined in the enquiry and their statements were recorded and ultimately the allegations levelled by the petitioner in her said complaint were found to be false. It was revealed that earlier the petitioner's family was given a house in the village by respondent no.5 where the petitioner's family used to help respondent no.5 in domestic and agriculture works and thereafter marriage of the attorney of the petitioner namely Amanjot Kaur was performed with Harjit Singh but after the marriage, dispute had arisen between the said husband and wife and the petitioner's family had moved complaint against Harjit Singh with Women Cell, Ludhiana where respondent no.5 had helped the petitioner's family. However, thereafter the said

husband and wife compromised the matter with each other but the said Harjit Singh started keeping grudge with respondent no.5 for going against Harit Singh in the said dispute between husband and wife.

It was further revealed that thereafter the said Harjit Singh took his in-laws family to his Village Dakha where the said Harit Singh started moving false complaints against respondent no.5 but the same were found to be false by the police during the enquiry.

It was further revealed that looking no action against respondent no.5 by the police in the said complaints, then Harjit Singh got moved the above noted false Complaint Annexure P-1 through his wife Amanjot Kaur (petitioner's attorney) against respondent no.5 levelling false allegations of rape with the petitioner when the petitioner was studying IELTS from the Institute of respondent no.5. During the enquiry, Teachers and Sweeper of the Institute of respondent no.5 were also joined in the enquiry and they stated in one voice that no such incident had ever occurred in the Institute. Ultimately it was revealed that due to grude by the said Harjit Singh (husband of petitioner's attorney) with respondent no.5, the said false complaint was got moved by Harjit Singh through his wife Amanjot Kaur against respondent no.5 levelling false allegations of rape with the petitioner. The above noted enquiry report of the SHO was sent to the Commissioner of Police, Ludhiana through proper channel for final approval but the Commissioner of Police did not approved the said enquiry report of the SHO and directed the ADCP-2 to personally verify the matter being a sensitive issue and submit report for further necessary action.

Accordingly, ADCP-2 verified the facts during which the petitioner and her sister had joined the inquiry proceedings and their statements were recorded (Annexure R-1/T colly) in which they stated that they had petty quarrel with respondent no.5 and therefore the petitioner had moved the said Complaint Annexure P-1 by levelling false allegations against respondent no.4 whereas respondent no.4 had not committed any wrong act with the petitioner and therefore now the petitioner does not want to take any action on her said Complaint. Copy of the inquiry report is annexed as Annexure R-2/T. flucidating the facts as narrated by the petitioner, the said Complaint of the petitioner has been consigned to the office record.”

In view of the stand taken in the status report dated

04.02.2023, by official respondent Nos. 1 to 3, today again learned counsel for the petitioner seeks permission to withdraw the petition.

There is no objection by any of the respondents on the prayer made by the petitioner for withdrawal of the present petition, especially in view of the reply filed by the State, which has been reproduced here-in above.

In view of above, CRM-W-156-2023 is allowed. Consequently, main petition, i.e. CRWP-10831-2022, is ordered as dismissed as withdrawn.

**(SANJAY VASHISTH)
JUDGE**

February 07, 2023
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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*