

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

108

CWP-24884-2023
Date of Decision: 05.12.2023

RAMESH

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Afzal Hussain, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for issuance of directions to the respondents No.1 to 4 to delete the obscene videos purportedly concerning the minor daughter of the petitioner.

It has been averred in the present petition that respondents No.6 to 9 had recorded obscene videos of his minor daughter to further upload the same on internet and that on coming to know about the same, he had submitted an application with the Authorities concerned to take appropriate action under Section 67-A of the Information and Technology Act, 2000. Since, no action was initiated, the petitioner preferred the present writ petition.

Vide order dated 06.11.2023, the State was called upon to furnish a report with regard to the action taken on the complaint submitted by the petitioner.

In compliance thereto, status report by way of an affidavit of Dr. Arpit Jain, Superintendent of Police, District Jhajjar has been filed. It has been averred in the aforesaid affidavit that the petitioner had initially moved the aforesaid complaint in the office of respondent No.4 on 16.06.2022, which was registered as Complaint No.1222-Peshi. The same was forwarded to the SHO, Police Station Badli for necessary action and was entered as complaint No.123-5P dated 18.06.2022. The petitioner was joined during the inquiry of the said complaint on 26.06.2022 and he got his statement recorded to the effect that the incident of the complaint falls within the jurisdiction of Bahadurgarh and that he wants to have the investigation of the complaint conducted from the Women Police Station, Bahadurgarh. Copy of his above statement has also been attached alongwith the aforesaid affidavit as Annexure R-1.

In view of the aforesaid statement of the petitioner, the investigation of the complaint was forwarded to Women Police Station, Bahadurgarh. The same was entered as complaint No.117-5P dated 02.07.2022 in Woman Police Station Bahadurgarh. During the course of inquiry of the above said complaint, the petitioner, his minor daughter, his wife Kavita, father-in-law Om Parkash (who is also the *Nambardar* of village Dhankot) were joined in the inquiry of the complaint and their statements were separately recorded on 07.07.2022 in Police Station Badli. In the above statements, the petitioner made a statement to the effect that he is not having cordial relations with his wife, who is staying at her parental home after picking up a fight with him and sought for action against his wife and her parents. Separate statement of Kavita (wife of the petitioner) was recorded, wherein, she specifically submitted that she was staying in her maternal house as her relations with her

husband were not cordial and that a false complaint has been given by Ramesh (petitioner herein) to harass her family. A similar statement was also made by the minor daughter herself as well as the father-in-law.

The petitioner was also given opportunity to submit any proof of the allegations levelled, however, he chose not to furnish any such proof with the Authorities despite extension of opportunity. A thorough inquiry was conducted and no evidence had been put forth to substantiate the allegations levelled by the petitioner. The complaint was thus ordered to be filed by the then Superintendent of Police on 29.07.2022. It is further averred that even though the complaint/ representation dated 10.10.2023 and 17.10.2023 have been mentioned in the petition, however, no such complaint have been submitted by the petitioner with the Police Station.

It is evident on consideration of the response filed by way of an affidavit of Superintendent of Police, Jhajjar and the separate statements of the family members as well as the petitioner having been recorded more than a year prior to the petitioner approaching this Court specifically pointing out that the allegations levelled by the petitioner are false and malicious, and are intended only to harass the family (his wife) who was residing in her maternal house. Surprisingly, the petitioner himself during the course of inquiry did not make any mention of any alleged obscene videos having been uploaded and his statement was confined only to the allegations that his wife was not staying with him and was infact staying at her parental house. There was no occasion as to why the petitioner ought not to have reiterated the allegations levelled. The abovesaid statement rather reflects at the misconduct of the petitioner and indicates towards the complaint having been filed maliciously. Further, despite

having been joined in the inquiry proceedings, the petitioner did not make a disclosure of the said developments & concealed the same at the time of filing of present petition.

I find that institution of the present petition is ill-intended and is devoid of any evidence to substantiate the allegations levelled therein. Besides, inquiry into the said complaint having already been conducted and the police found no evidence to corroborate the said allegations. No further directions are required to be issued in the present case.

The petition is accordingly dismissed.

DECEMBER 05, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No