

CRWP-1664-2019

Date of Decision:16.02.2023

Jaswinder Kaur and others.

...Petitioners

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Ashok Bhardwaj, Advocate
for the petitioners.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioners have filed the instant petition before this Court with a prayer for issuance of directions to respondents No.1 to 3 to protect their lives and liberty as they apprehend threat at the hands of respondents No.4 and 5. It was inter alia averred in the petition that the petitioner No.1 was victim and got registered FIR No.194 dated 02.10.2019 under Sections 376/34 of IPC, Police Station Dirba, District Sangrur against respondents No.4 and 5. However, neither the police investigated the case fairly nor any action was taken against respondents No.4 and 5.

Feeling encouraged, the respondent No.5 attacked petitioner No.2, who is son of the petitioner No.1/victim and caused injuries to petitioner No.2. Consequently, FIR No.258 dated 26.11.2019 was registered against respondent No.5 under Sections 279, 337 and 427 of IPC at Police Station Dirba, District Sangrur.

A detailed status report had been filed by Deputy Superintendent of Police, Sub Division Dirba. It was stated in the status report that a SIT was constituted, which was headed by SP, Investigation, Sangrur and the investigation was conducted fairly and scientifically. Learned State counsel further submits that the SIT inspected the place of occurrence, conducted the investigation thoroughly and minutely examined all aspect of the matter by associating the petitioner No.1/complainant during the course of investigation.

After investigation, the allegations levelled by petitioner No.1 in case FIR No.194 dated 02.10.2019 under Sections 376, 341 of IPC and under Sections 3(2) SC/ST (POA) Act, P.S Dirba were found to be incorrect and the cancellation report was submitted to the competent Court. However, the matter has been referred for further investigation by learned Court and is pending with the Investigating Agency.

Learned State counsel further submits that even the allegations levelled by petitioner No.2/complainant in FIR No.258 dated 26.11.2019 under Sections 279, 337 and 427 of IPC at Police Station Dirba, District Sangrur which was also registered against respondent No.5, were also investigated by the SIT and were found to be false. He further submits that the cancellation report was prepared in the said case as well and has been submitted to the Court of Learned Area Magistrate.

Learned State counsel further submits that on 08.12.2021, the petitioner No.1 got her statement recorded that there was no apprehension of any

kind to her and DDR No. 31 dated 08.12.2021 was recorded in the Roznamcha, CCTNS, P.S Dirba in this regard. On instructions, learned State counsel further submits that in case, the petitioner faces any threat at the hands of respondents No.4 and 5 or any other person in the village, she is free to move an representation to the SHO, PS Dirba and appropriate action shall be taken in accordance with law.

In view of these submissions made by learned State counsel no further directions are required . Needless to say that the petitioners are at liberty to challenge abovementioned cancellations reports in accordance with law.

The petition stands disposed off accordingly.

16.02.2023
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(N.S.SHEKHAWAT)
JUDGE

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