

CRWP-36-2023

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

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Decided on : 10.05.2023

Aniket @ Sweety

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. V.K. Pujara, Advocate for
Mr. C.S. Rana, Advocate
for the petitioner(s).

Mr. Pawan K. Jhanda, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Order dated 06.01.2023, says as under:-

*“Present: Ms. Shivani, Advocate for
Mr. C.S. Rana, Advocate
for the petitioner(s).*

By way of present petition filed under Article 226/227 of the Constitution of India, petitioner is seeking issuance of directions to respondent No.2 – Superintendent of Police, Ambala, to consider and decide the representation dated 17.01.2022 (Annexure P-1) submitted by the petitioner, for seeking protection of life and liberty at the hands of respondents No.4 to 6.

Counsel for the petitioner submits that though, cause of action had arisen on 17.01.2022, when threats of implicating the petitioner in false cases were issued by the police, when he made complaints in regard to his forcible gender change.

Although, petitioner sent a representation on the very same day i.e. 17.01.2022, addressing it to respondent No.2 i.e. Superintendent of Police, Ambala, but neither any action has been taken nor any attempt has been made to find out the truth whether the police officials called and threatened the petitioner, as alleged in the present petition.

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, accepts notice on behalf of respondents No.1 to 3, and

seeks time to file status report in the matter.

Let requisite copies of the complete paper book be supplied to him, during course of the day.

Adjourned to 15.02.2023.”

2. At the outset, learned State counsel refers to the reply dated 07.02.2023, filed by the State by way of an affidavit of DSP, Barara, Ambala, on behalf of respondents No.1 to 3, which was taken on record by this Court vide order dated 15.02.2023. He refers to para Nos. 4 and 6 of aforesaid reply, which are reproduced as under:-

“4. That as a matter of fact, on 14.01.2022, the complainant/petitioner moved a complaint against respondents No.4 to 6 for getting her gender change, spoiling her life and for criminal intimidation before respondent No.2, which has been received vide complaint No.235-PW dated 14.01.2022, and the same was marked to SHO PS Ambala Cantt. for necessary action.

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6. That during inquiry of complaint No. 235-PW dated 14.01.2022, on 20.01.2022, ASI Sita Ram, Police Post Housing Board Colony, Police Station, Ambala Cantt., joined the petitioner/complainant Aniket @ Sweety in the inquiry proceedings alongwith Jony son of Dharambir R/o Shakti Nagar, Kaithal and their statement was recorded by the inquiry officer, in which the petitioner stated that she gave the complaint due to allurement of some person and the allegations levelled in the aforesaid complaint in respect of change of her gender is not true as she got changed her gender at her own will and does not want to proceed further against the private respondents and in future she will not file such type of complaint. The statement of the petitioner was also attested and accepted by Jony son of Dharambir R/o Shakti Nagar, Kaithal. The copy of statement of petitioner is annexed as Annexure R-1 for kind perusal of this Hon’ble Court.”

3. Ld. State counsel while further referring to para No.10 of the aforesaid reply, points out that earlier also petitioner had filed one Criminal Complaint bearing No. COMI/82/2022, before the Court of Ld. Judicial Magistrate Ist Class, Ambala, under Sections 107, 148, 149, 323, 326, 307,

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363, 506, 120-B of IPC, pertaining to Police Station Mahesh Nagar, Ambala Cantt., with the same set of allegations, however, the said complaint was later on withdrawn by the petitioner/complainant. Para No.10 of the aforesaid reply says as under:-

“10. That it is relevant to submit here that during the course of inquiry, it has also come on the record that the complainant/petitioner Aniket has also filed a Criminal Complaint bearing No. COMI/82/2022 before the Court of Ms. Vandana, Ld. Judicial Magistrate, 1st Class, Ambala under Sections 107, 148, 149, 323, 326, 307, 363, 506, 120-B IPC pertaining to Police Station Mahesh Nagar, Ambala Cantt. With the same sets of allegations made earlier in the aforesaid complaint, the same was dismissed as withdrawn by the Ld. Court of JMJC/Ambala on the application of the petitioner for making request to withdraw his/her complaint. The copy of order dated 29.07.2022 passed by the Court of Ms. Vandana, Ld. Judicial Magistrate, 1st Class, Ambala is annexed as Annexure R-5.”

4. Faced with the situation, as exposed in the aforesaid reply filed by the State, counsel for the petitioner seeks withdrawal of present petition.
5. Dismissed as withdrawn.

(SANJAY VASHISTH)
JUDGE

May 10, 2023

J.Ram

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