

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

CRM-M-11236-2024

Date of decision : 24.04.2024

SUMAN SHARMA

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Short reply by way of affidavit of Sukhpal Singh, PPS, Assistant Commissioner of Police, West, Amritsar City has been filed on behalf of respondents No.1 & 2 today in Court, which is taken on record. Copy supplied.

2. The stand of the respondent/State is carved out in Para 10 thereof, which reads as under :

10. That it is submitted that based upon the enquiry conducted and based upon the investigation which is being carried out in the aforesaid case FIR No. 18 dated 15.02.2024 (supra), it has revealed that the present petitioner Suman Sharma and Sapna Mandal were serving as sales girls at First Cry Showroom, Ganga Building, Putlighar, Chheharta road, Amritsar. They both used to argue with each other on the issue of getting more incentive qua dealing the customers. Therefore, the Manager of the showroom had fired both of them from the job. The petitioner Suman Sharma anticipated that she had been fired from the job due to Sapna Mandal. Therefore, the petitioner Suman Sharma had made phone call to Bablu Kumar the fiancé of Sapna Mandal with regard to her illicit relations with Manager Prem Verma and when Sapna Mandal came to know about it then Sapna Mandla told Munish Kumar husband of the petitioner with regard to her character. Thereupon, husband and son of the petitioner had conflicted with Prem Verma on 12.02.2024 at First Cry Showroom, due to which the aforesaid FIR

No. 18 dated 15.02.2024 (supra) has been registered against them. Thereafter the present petitioner Suman Sharma had given the aforesaid application (Annexure R-1/T) against Pawan Kumar while leveling allegations against him for sending her objectionable messages, whereas upon watching CCTV footage of the occurrence of the aforesaid case FIR No. 18 dated 15.02.2024 (supra), it has come forth that when petitioner Suman Sharma, her husband Munish Kumar, son Rohit Sharma and three unknown youngsters enter into the showroom then Pawan Kumar also enters into the showroom along with them. If Pawan Kumar had sent objectionable messages to the petitioner Suman Sharma then they would have beaten Pawan Kumar rather than Manager Prem Verma. The 'WhatsApp' chatting which the petitioner Suman Sharma has annexed with the present petition, that was exchanged on 12.02.2024 between the present petitioner Suman Sharma and aforesaid Sapna Mandal, wherein some cast relating words qua SC/ST Act were mentioned. But as the petitioner Suman Sharma belongs to general category, hence no action is required to be taken thereupon. These messages were sent to the petitioner Suman Sharma by Sapna Mandal as the petitioner Suman Sharma had levelled allegations against character of Sapna Mandal with her fiancé Bablu Kumar. Therefore, GD No. 25 dated 15.04.2024, under Section 506 IPC has been recorded in this respect at PS Cantonment. In addition to this, preventive proceedings under Section 107/150 Cr.P.C. vide GDR No. 28 dated 14.03.2023, PS Cantonment, Amritsar have been initiated against Pawan Kumar, Prem Verma and Sapna Mandal and a kalandara under Section 107/150 Cr.P.C. to this effect has been presented in the learned Court of competent jurisdiction. The enquiry report submitted in this respect by SHO PS Cantonment is annexed herewith as Annexure R-5/T for kind perusal of this Hon'ble Court.

3. In view thereof counsel for the petitioner prays for withdrwal of the present petition with liberty to avail alternate remedies in accordance with law.
4. Dismissed as withdrawn with liberty as prayed for.

April 24, 2024	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No