

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

280

CRM-M-15671-2021 (O&M)
Date of order: 12.02.2024

Manjeet Kaur

.....Petitioner(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None for the petitioner.

Mr. G.P.S. Bhullar, Asst. AG Punjab.

Mr. S.P. Garg, Advocate
for respondent No.5.

Nidhi Gupta, J.

Present petition under Section 482 Cr.P.C. is filed for directing respondent No.2 to arrest the accused person i.e. respondent No.5 herein namely Brij Mohan, who committed rape with the petitioner on 31.08.2020 by entering her house at about 8:00 PM; and further directing respondent No.4 i.e. Sarwan Singh Bal, DSP, Sultanpur Lodhi, District Kapurthala not to harass or pressurize the petitioner to compromise the matter at the behest of respondent No.5.

2. Mr. S.P. Garg, Advocate puts in appearance on behalf of respondent No.5 and files Vakalatnama, which is taken on record.

3. Perusal of order sheets shows that on the last date of hearing i.e. 07.08.2023, there was no representation on behalf of the petitioner, therefore, Registry was directed to inform learned counsel for the petitioner about the date fixed. Office report received shows that

learned counsel for the petitioner has been informed through e-mail about the date fixed. However, today also there is no representation on behalf of the petitioner.

4. Learned counsel for respondent No.5/accused submits that present petition has been rendered infructuous as after completion of investigation, cancellation report has been filed before learned Illaqa Magistrate on 19.01.2021.

5. Perusal of reply filed by learned State Counsel by way of affidavit of Jasvir Singh, PPS, Superintendent of Police (Headquarters), District Kapurthala, dated 02.09.2021, shows the aforesaid fact to be true, wherein in Paras 8 and 11, it has been mentioned as under:-

“8. That it is respectfully submitted that it has also come on record that the Quarter number mentioned to be the place of incident/occurrence in the FIR No.292 (supra) is 1509-E whereas the said quarter was allotted to Sh. Amit Jaggi in July 2020. That the statement of Amit Jaggi was also recorded, in which he has stated that he was staying in the said Quarter from the first week of August 2020. That the date of the incident as mentioned in the FIR No.292 (supra) is 31.08.2020 at 8:00PM whereas at that time Amit Jaggi was present in the quarter alongwith his family which clearly shows that the present petitioner gave a false statement in this regard. Further, that the petitioner’s husband had been allotted a different quarter as on the date of the alleged occurrence.

11. That it is respectfully submitted that further on perusal of the case file, it was found that the investigating officer of the present FIR No.292 (supra), SI Mandeep Kaur No. 72/JRT PS Sultanpur Lodhi has recommended to file a cancellation report in the present FIR in Zimni NO. 06 at Para No. 03 and even Inspector Sarabjeet Singh SHO PS Sultanpur Lodhi has also

*recommended a cancellation report in the present FIR in Zimny No. 7 on para no. 2, on basis of actual/true facts, during investigation. That further the deponent submitted a report no. 61/R/S.P-T dated 19.01.2021 which was approved by the SSP. The report dated 19.01.2021 from the Superintendent of Police (Operations and Traffic), Kapurthala is attached as **Annexure R-1/T.**".*

6. In view of the above, I find that no further directions are required to be issued in the matter. Present petition accordingly stands **dismissed.**

7. Pending application(s) if any also stand(s) disposed of.

12.02.2024
Sunena

(Nidhi Gupta)
Judge

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