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

CRM-M-16930-2024

Date of decision: 08.04.2024

Axxxxxx

....Petitioner

Versus

State of U.T. Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jagan Nath Bhandari, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking direction from this Court to transfer of investigation with respect to FIR No.0094 dated 20.06.2022 under Sections 323/506/354/354-D/376/420 of IPC registered at Police Station Sector 31, Chandigarh, to some independent agency of the State i.e. Crime Branch or to any other Independent Agency of the State so that fair and impartial investigation be got conducted because respondent No.4 caused injustice to the petitioner and the investigation of the above said FIR is high-jacked by respondent No.4 and official respondents No.1 to 3 have not completed the investigation in fair manner and now, under the rape case, the police officials i.e. respondents No.2 & 3 is to file cancellation report of the FIR.

Learned counsel for the petitioner *inter alia* contends that the investigation seems to be heavily influenced by the accused/respondent No.4 which has tainted the process and introduced extraneous factors. This partiality

and external influence are leading to a miscarriage of justice. He further submits that the petitioner is the victim of rape and was subjected to such heinous acts under the guise of marriage by accused/respondent No.4. It is further contended that the Investigating Officer has submitted that respondent No.4 has not joined the investigation and he has falsely labelled the petitioner as having duped him by way of honey trap.

It is further contended that the status report has been submitted by the Investigating Officer before the jurisdictional Magistrate and in the status report it is submitted that the Investigating Agency is going to file cancellation report.

Learned counsel for the petitioner prays that filing of the cancellation report be stayed.

Having heard learned counsel for the petitioner and after perusing the record, it transpires that the petitioner has initially not come forward and refused her medical examination and only after 08 days of the alleged occurrence, she was subjected to medical examination and during the course of investigation, the FSL result of the victim has been received in which the examiner has categorically opined that the presence of human semen is not confirmed and no male DNA profile is recovered from the vaginal swabs. During the course of enquiry, the petitioner was contacted on number of occasions but she refused to verify the allegations made by her.

The Investigating Agency after examining the veracity of the allegations made by the petitioner has concluded that the cancellation report is being filed in the FIR (*supra*) and the petitioner has already been informed regarding submission of cancellation report.

In view of the facts and circumstances of the case, no ground is made out for interference in any manner and the present petition is dismissed being bereft of merits.

(HARPREET SINGH BRAR)
JUDGE

08.04.2024
Neha

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