

**HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****240****CRM-M-15339-2019 (O&M)****Date of decision: 04.11.2024**

Parveen Kaur

...Petitioner(s)**Versus**

The State of Punjab and others

...Respondent(s)**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Surinder Gandhi, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (Oral)

Prayer in the present petition under Section 482 of the Criminal Procedure Code is for seeking directions for registration of the FIR under Section 452, 323, 354 A, 506 of IPC and Section 7 of POCSO Act 2012 and Section 3, Sub Section 1 (w) (i) of the SC & ST Act 1989 against the police personnel mentioned in the complaint dated 28.03.2019 attached as Annexure P-3 and P-4; AND further prayer an SIT be constituted to investigate the crime committed by the Police personnel of Ghariala Police Post, Police Station, Patti Sadar, Mor Tehsil Patti, District Tarn Taran as stated in the complaint, attached as Annexure P-3 and P-4; AND further directions be given to the respondents No. 1 to 3, to ensure that respondent No.4 and police personnel of District Tarn Taran, do not harass the petitioner and her family members; AND further directions be given to the respondents to protect the life and liberty of the petitioner and her family members from the un-necessary harassment and



humiliation caused by respondents No. 4 and other police personnel of Ghariala Police Post, District Tarn Taran, appropriate action against the guilty police persons as per law; AND further prayer that the petitioner and her family members be provided police protection of any Central Government police force and a compensation of Rs.2.00 lakhs as provided in the SC & ST Rules 1995, be awarded in favour of the petitioner.

Learned counsel for the petitioner vehemently submits that the petitioner is in possession of CCTV footage in which minor daughter of the petitioner can be seen being beaten up by the accused persons. Learned counsel for the petitioner seeks to play the said CCTV footage, which is in his phone, before this Court.

When it is pointed to the learned counsel for the petitioner that the present petition is not maintainable in view of the judgment of Hon'ble Supreme Court passed in *Sakiri Vasu vs. State of U.P. and others 2008(1) R.C.R.(Criminal) 392, Law Finder Doc Id # 135709*, learned counsel for the petitioner submits that an order be passed on merits as he wishes to approach the Hon'ble Supreme Court.

I have heard learned counsel.

The prayer of the petitioner is for seeking directions for registration of an FIR against the police personnel as mentioned in the complaint dated 28.03.2019; that an SIT be constituted to investigate the crime; and compensation of Rs. 2 lacs be awarded to the petitioner as provided in the SC & ST Rules, 1995.

In view of the judgment of Hon'ble Supreme Court passed in



Sakiri Vasu vs. State of U.P. and others 2008(1) R.C.R.(Criminal) 392,
the petitioner is restrained from directly approaching this Court, without exhausting the alternative remedy available to her under Section 156(3) Cr.P.C.

Additionally, on merits, reference may be made to the Status Report dated 03.05.2019 filed by way of an affidavit of Inspector General of Police, Border Range, Amritsar, wherein in paras 2 and 3 thereof, it has been averred as follows: -

“That it is respectfully submitted that the Representation Dated 28.03.2019 (Annexure P-3) filed by the petitioner Parveen Kaur was got enquired through Sh. Gaurav Toora, IPS, Superintendent of Police, Headquarters, District Tarn Taran who has submitted a report bearing No. 181/5 D, dated 23.04.2019 stating therein that the petitioner Parveen Kaur has alleged in her representation (Annexure P-3) that SI Lakhwinder Singh I/C Police Post Ghariala alongwith 04 police officials trespassed in her house on 26.03.2019 at about 09:15 PM and they caught her from hair and slapped on her breast and neck and tried to kidnap her, but her Mother and Grand Father saved her from clutches of police officials. The petitioner alleged that the whole incident has been recorded in the CCTV Cameras installed in her house. The petitioner prayed for action against the guilty police officials.

3. That it is respectfully submitted that during the enquiry the statements of Local Rank SI Lakhwinder Singh No. 169/TTN I/C Police Post Ghariala, PS Sadar Patti, HC Balwinder Singh No. 9/502/PAP and Constable Angrej Singh No. 529/TTN were recorded. It has transpired from the enquiry that Jugraj Singh S/o Balbir Singh, Gurlal Singh S/o



Balbir Singh both r/o Algo Khurd, Gurlal Singh S/o Jagir Singh, Naresh Kumar S/o Basant Lal, Crorepati S/o Tilak Raj all r/o Algo Kothi, Ranjit Singh S/o Jaswant Singh r/o Nawan Pind had come present at Police Post Ghariala and had filed complaints against Gurbaj Singh (father of the present petitioner) S/o Aroor Singh r/o Talwandi Masanda Singh, District Tarn Taran alleging therein that Gurbaj Singh and other has duped Rs. 08 lacs from them on pretext of sanctioning Loan from Bank and the complainants had suspicion that Gurbaj Singh will go in hiding and prayed that Gurbaj Singh should be stopped from doing so and their money should be got returned. Upon this the I/C Police Post Ghariala had told the complainants that it is quiet late and they should come in the morning around 10:00 AM and he will call the opposite party also and the complainants left the premises of the Police Post Ghariala. Thereafter about 09:00 PM SI Lakhwinder Singh was on patrolling duty, where he got information that the complainants of the aforesaid matter have gathered outside the house of the said Gurbaj Singh, therefore LR/SI Lakhwinder Singh along with fellow police officials rushed to the spot and when the police party reached at the house of the petitioner Parveen Kaur, then the petitioner Parveen Kaur started video recording on her mobile phone. When the police officials also started video recording of the incident, then the petitioner Parveen Kaur snatched the mobile of police official. Thereafter LR/SI Lakhwinder Singh tried to take back the snatched mobile phone from the petitioner Parveen Kaur, then the petitioner Parveen Kaur started hitting him with her hands, which is evident from the viral video clip of the incident. The analysis of the viral video clip reveals that LR/SI Lakhwinder Singh has not done any wrong deed. The perusal of the record reveals that the case FIR No. 47 dated 17.07.2011 u/s 420



IPC, PS Chohla Sahib, District Tarn Taran was registered against the said Gurbaj Singh and case FIR No. 136 dated 15.07.2013 u/s 420,120-B IPC, PS Patti, District Tarn Taran was registered against Shamsher Singh (Brother of Gurbaj Singh).”

It has further been stated in para 4 of the above said Status Report that thereafter, the petitioner Parveen Kaur and her father namely Gurbaj Singh, have submitted their respective attested affidavits dated 06.07.2019 stating therein that they do not wish to pursue the present matter anymore.

Learned counsel for the petitioner counters the above submissions by alleging that the said affidavits have been procured by the police officials coercively from the petitioner and her father.

It has further been pointed out by learned counsel for the State that brother-in-law of the present petitioner, namely, Gurchet Singh, is also a habitual offender and an FIR No. 0086 dated 26.05.2019 has been registered against him and other accused under Sections 336, 307, 148, 149 IPC and Section 25 of the Arms Act, 1959 at Police Station Sadar Patti, Tarn Taran, Punjab, wherein serious allegations have been made that the said Gurchet Singh alongwith other co-accused were indulging in other unlawful activities and thereby creating atmosphere of terror in the village to cause loss of life and property.

In view of the above, no ground is made out for issuance of directions as prayed for. Present petition accordingly stands **dismissed**.



Pending application, if any, stands disposed of.

04.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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