

CRM-M-40721-2018
Date of decision: 02.04.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Basant Sharma, Advocate for
Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of letter dated 01.09.2017 written by SSP Patiala to State Commission for Scheduled Castes Punjab, Chandigarh (Annexure P-5) and for appropriate directions to learned SSP Patiala to pursue the matter in Court and to seek permission from the Court to investigate the matter if need be or otherwise to complete the investigation at its own level.

2. Learned counsel appearing on behalf of the petitioner *inter alia* submits that on the statement made by the petitioner, the FIR (supra) was registered on 08.05.2000. The private respondent is a police official, as such, under his influence, an untraced report has been filed. The private respondent has agreed to marry the petitioner but after getting the untraced report filed, private respondent filed a petition seeking divorce, however, the said petition was dismissed vide judgment dated 05.05.2014, passed by the learned District Judge, Patiala (Annexure P-2) and on 16.01.2008, the petitioner had made a

representation (Annexure P-3) before the police authorities for re-opening the case as respondent No.3 has tricked her into effecting a compromise and the untraced report was filed only on the basis of compromise. It is further contended that respondent No.3 has deserted the petitioner and he has adopted this *modus operandi* only to wriggle out of the punishment under FIR (supra). The petitioner has challenged the letter written by Senior Superintendent of Police, Patiala to Punjab State Scheduled Castes Commission (Annexure P-5), in which, the Senior Superintendent of Police concerned has written to the Commission that the FIR (supra) was investigated and untraced report was filed and the same has been approved by the concerned Jurisdictional Magistrate.

3. Learned State counsel, on instructions from ASI Satnam Singh, submits that the veracity of allegations made by the petitioner was thoroughly examined and he further submits that earlier, a compromise was effected between the petitioner and her husband, thereafter matrimonial dispute arose between them.

4. Having heard learned counsel for the parties and after perusing the record, this Court finds no ground to quash the letter dated 01.09.2017 (Annexure P-5) written by SSP concerned to the State Commission for Scheduled Castes Punjab, Chandigarh and for further issuance of directions to re-open the case and complete the investigation.

5. Present petition stands dismissed, however, the petitioner would be at liberty to invoke her alternative remedy as available to her in accordance with law.

April 02, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |