



CRM-M-60223-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60223-2023

Reserved on: 06.05.2024

Date of Decision:- 21.05.2024

SHIBA KUMARI CHETRY

.....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

(As on the reserved date)

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioners.

Ms. Himani Arora, A.A.G., Punjab.

HARPREET KAUR JEEWAN, J.

1. Prayer in the present petition is for transfer of inquiry into the complaints dated 18.03.2023 and 23.03.2023 (Annexures P-1 and P-2) moved by the petitioner to the SHO Police Station Dharmkot, District Moga, and the Senior Superintendent of Police, Moga, to some other District as the petitioner has no faith left in the Moga police.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is the resident of Aasam. She came in the contact with respondent No. 4 through online game. On 08.08.2021, as per the request of respondent No. 4, the petitioner came to Amritsar and she was received by respondent No. 4 on the airport and she was taken to a hotel and respondent No. 4 tried to develop physical relationship with the petitioner

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but the petitioner refused on the ground that such relations can be developed after marriage. There are allegations of sexual assault on the petitioner in the year 2022 at Amritsar and there are also allegations that other private respondents who are family members of respondent No. 4 had been conniving with respondent No. 4. As such, the petitioner moved representations/complaints, dated 18.03.2023 and 23.03.2023 (Annexures P-1 and P-2, respectively) to the official respondents but no action has been taken by them.

3. A short reply, dated 22.02.2024, by way of an affidavit of Sh. Amarjit Singh, PPS, the Deputy Superintendent of Police, Dharamkot, District Moga, has already been filed by learned State counsel.

4. Learned counsel for the State while referring to the aforesaid reply submits that on the basis of said applications/complaints, an inquiry has already been conducted by Deputy Superintendent of Police, Crime Against Women and Children, Moga, and during the inquiry it was found that the petitioner, as well as Mehnga Singh (respondent No. 5) both are majors and respondent No. 5 had never forced the petitioner for the physical relations. In fact both of them developed the relations with their own consent. During inquiry it was also found that respondent No. 5- Mehnga Singh never promised the petitioner that he will marry her. During inquiry it was found that on 12.02.2023 the engagement of Mehnga Singh was performed and after that the petitioner started moving applications against him by levelling false allegations. During the inquiry all the allegations levelled by the complainant/petitioner were found to be false, as such the inquiry officer was recommended to consign the applications of the petitioner.



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5. In view of the facts and circumstances of this case, the representations given by the petitioner have already been closed by the investigating agency after conducting an inquiry. However, the petitioner is aggrieved with the said closure, as well as for non-action on the basis of his complaint/representation. The petitioner has alternate legal remedy available by way of approaching the Magistrate under Sections 156(3), as well as Section 190 of the Cr.P.C. Without approaching the Area Magistrate, the present petition has been filed invoking the jurisdiction under Section 482 Cr.P.C. In terms of the ratio of the decisions given by Hon’ble the Apex Court in Sakiri Vasu vs. State of U.P. and others 2008 (2) SCC 409 and M.Subramaniam and another vs. S. Janki and another 2020 (2) RCR (Criminal) 788, the petitioner has alternate remedy which has not been availed.

6. As such, the present petition is disposed of with the liberty to the petitioner to avail alternate remedy in terms of the ratio of the aforesaid decisions in Sakiri Vasu’s and M.Subramaniam’s cases (*supra*).

7. Since the petitioner is the resident of Aasam, as such, an appropriate order as per law may be passed by the Magistrate within a period of one week in order to avoid any inconvenience to the petitioner, in case the petitioner approaches the Area Magistrate seeking such a remedy,

8. Pending miscellaneous applications, if any, also stand disposed of.

May 21, 2024	(HARPREET KAUR JEEWAN)
nitin	JUDGE
Whether Speaking	Yes
Whether Reportable	No