



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-44227-2023 (O&M)

Date of Decision: 11.09.2024

Vishnu Dutt

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gautam Kaile, Advocate for the petitioner.

Ms. Deepshikha Chauhan, A.A.G., Haryana.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 407 Cr.P.C. is for transfer the trial of the case No. SC/208/2023 arising out of FIR No. 450 dated 11.08.2020 under Sections 306 and 376 IPC registered at Police Station Sadar District Gurugram, which is pending for trial before learned Additional District and Sessions Judge, Gurugram to any other Court of competent jurisdiction at Panchkula or Union Territory Chandigarh or any other place/District under the jurisdiction of the Hon'ble High Court of Punjab and Haryana.

Learned counsel for the petitioner contends that the petitioner is the witness in the aforesaid case. On 26.07.2023, when the petitioner and his son had gone for evidence before the learned trial Court, it is alleged that accused/respondent No.2 has manhandled the petitioner and his son. It is also submitted that the respondent No.2 is an Advocate in Gurugram, where the trial is underway.

Learned counsel for the State objects to the prayer of the



petitioner and refers to the averments mentioned in para 7 of the reply dated 09.12.2023 filed by way of an affidavit of the Assistant Commissioner of Police, Sadar, Gurugram on behalf of respondent No.1-State of Haryana, which reads as under:-

“7. That so far as the complaints/representations attached by the petitioner with the present petition are concerned, it is submitted that the enquiry upon the same was conducted. The petitioner's son namely Ajay Sharma had moved applications dated 07.10.2023 and 01.09.2023 which were marked to PS Shivaji Nagar, Gurugram for necessary actions as warranted by law. He was contacted on his mobile number several times but he did not pick the call and thus, a notice dated 12.10.2023 was issued to him to join the enquiry of the complaint moved by him, however, he neither joined the enquiry nor provided any information qua the place of occurrence of the incident complained off in his complaint nor supplied any documents in support of his contentions so raised in the complaints. No veracity could be found in the allegations levelled by him in the complaint and accordingly, the complaint was disposed off after due compliance and report was submitted to Assistant Commissioner of Police, City, Gurugram for further actions. The Assistant Commissioner of Police, City, Gurugram also verified the complaints by conducting an enquiry.”

Learned counsel for the petitioner does not dispute the above said facts.

In view of the facts as noticed above, no further directions are required to be issued in the matter and the present petition stands disposed of.

Pending application, if any, stands disposed of.

11.09.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No