

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

CRM-M-49707-2023 (O&M)

Date of Decision: 15.04.2024

KUNDAN LAL

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rajat Sheokand, Advocate, for
Mr. Kushager Goyal, Advocate,
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for directing respondents No. 2 to 4 for not to harass the petitioner on the false and frivolous FIR No. 29, dated 10.04.2022, under Sections 66(E) of the Information and Technology Act, 2000 (for short '*the Act of 2000*') and Section 323, 342, 376 (2) (n), 376 (D), 384 and 506 of the IPC read with Section 120-B thereof [Section 66 (E) of the Act of 2000 and Sections 342, 376 (2) (n), 376 (d) and 384 of the IPC read with Section 120-B thereof were deleted and Sections 498-A and 406 of the IPC read with Section 34 thereof were added later on), registered at Women Police Station, District Fatehabad.

2. A status report, dated 09.04.2024 by way of an affidavit of Sh. Atma Ram, HPS, Deputy Superintendent of Police, SCB, Unit Hisar, has been filed in Court today by learned State counsel. The same is taken on record.

3. Learned counsel for the State has informed that initially the final report ('*challan*') was presented after completion of the investigation on 27.09.2022 against the petitioner/accused Kundal Lal and his co-accused Ajay, under Sections 498-A, 323, 506 and 406 of the IPC read with Section 34 thereof. However, the charges are yet to be framed.

4. It is further contended that subsequently, the complainant-respondent No. 5 gave a complaint bearing No. 394/CC, dated 05.07.2023, to the Additional Director General of Police, Hisar and on the basis of the said complaint, the investigation was handed over to Inspector Sunita, Station House Officer, Women Police Station, Hansi.

5. As per the further investigation, the offence under Section 498-A of the IPC was not found, however, offences under Sections 376-D, 376 (2) (n), 323, 384, 506, 420, 465, 468 and 406 of the IPC read with Section 120-B thereof was found to be committed. It is further contended that after that the investigating agency moved an application in the Court of Additional Sessions Judge, Fatehabad, seeking permission to conduct the further investigation but the was dismissed, vide order dated 28.11.2023.

6 The investigation was then transferred to the State Crime Bureau, Hisar, vide order dated 20.12.2023 by the Additional Director General of Police, State Crime Branch, Haryana, Panchkula. Thereafter, the investigating agency approached this Court by way of filing a petition under Section 482 Cr.P.C. seeking permission to conduct further investigation, as per diary number 1644 dated 28.02.2024. The said petition is pending and further investigation will be initiated only after obtaining an order from this Court in the said petition and till then, the petitioner/accused will not be

called in case FIR No. 29, dated 10.04.2022, under Sections 66-E of the Act of 2000 and Sections 342, 376 (2) (n), 376 (D) and 384, 323 and 506 of the IPC read with Section 120-B thereof, [Section 66 (E) of the Act of 2000 and Sections 342, 376 (2) (n), 376 (d) and 384 of the IPC read with Section 120-B thereof were deleted and Sections 498-A and 406 of the IPC read with Section 34 thereof were added later on), registered at Women Police Station, District Fatehabad.

7. Keeping in view the facts and circumstances, the present petition is disposed of as having been rendered infructuous.
8. The State shall remain bound by the undertaking given in paragraph No. 7 (as referred above) of the status report filed in Court today and particulars of the petition filed under Section 482 Cr.P.C. by the investigating agency before this Court, be also supplied to the petitioner.
9. Pending miscellaneous application (s), if any, shall also stand disposed of.

April 15, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No