

...PETITIONER

...RESPONDENTS

facts of the present case and without commenting on the merits of the case, lest it would prejudice the parties, it is observed that there is no cogent evidence on record except repetition of allegations made by PW-3 victim-prosecutrix in her statement Ex. D-2/PW-3. In her testimony, she has not quoted any specific incident against the above named persons neither she has pointed out any specific acts and omission against them for taking action against them for the commission of aforesaid offence. She has not even disclosed the exact date or month when she was harassed by Sukhdev Singh and Rekha. The allegations of harassment of victim-prosecutrix by these two persons are vague and general in nature. In such circumstances, no sufficient evidence can be stated to be present on record against the proposed additional accused so as to proceed against them to stand trial with the accused already facing trial for the commission of offence. In the final record under Section 173 Cr.P.C, it has been mentioned that the proposed additional accused were not found involved for the commission of present offence. It is common and has become routine to implicate all the family members of the accused by making vague allegations against them. In the case in hand, no specific role is shown to have been attributed any of the proposed additional accused showing their involvement in the commission of alleged offences. The law is settled that mere suspicion cannot take place as proof. The police after thorough investigation of the case found the above named persons not to be involved in the commission of offence. In these circumstances, this Court is of the opinion that no reason is made out for allowing the present application and therefore, the same is hereby dismissed."

5. A perusal of the FIR shows that there is no specific allegation against respondent Nos.2 and 3.

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6. In view of the above facts and circumstances of the present case, this Court does not find any merit in the present petition and the same is dismissed.

7. All pending applications, if any, stands disposed of.

02.02.2024

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(SUDEEPTI SHARMA)
JUDGE

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