



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(113)

**CRM-M-37863 of 2025
Date of Decision: 23.7.2025**

Suman

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Surinder Thakur, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the issuance of directions upon the official respondents to get the FIR No. 58 dated 7.5.2025, registered under Section 64 of BNS, 2023 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Hariana, District Hoshiarpur (Annexure P-2), investigated/enquired from an independent investigating agency or from some higher ranked police official, as per the representation of the petitioner dated 5.6.2025 (Annexure P-2).

2. The brief facts of the present case are that the instant FIR has been lodged by one Nisha Rani against accused Vansh (son of her sister-in-law) on the allegations that on 3.5.2025 at about 11.00 A.M to 12.00 Noon, he had enticed away her minor daughter, who is studying in LKG, and committed rape upon her.

3. Learned counsel for the petitioner submits that the petitioner is the maternal grandmother of accused Vansh. The relations between the son of the petitioner and her daughter-in-law (complainant) were not cordial. There was



even an ongoing property dispute *inter se* the petitioner and her daughter-in-law (complainant-Nisha). It is submitted that the present FIR is a consequence of this discord that the petitioner's minor grandson Vansh (son of petitioner's daughter), who had been residing in the petitioner's house, has been falsely implicated in the present case. It has further been argued that the petitioner had informed the investigating agency that on the day of incident, one Shankar, who is the son of the complainant's sister, against whom a criminal case of committing rape upon a minor girl has also been registered, was also present at home with the complainant and the minor children. However, no action has been taken by the police authorities. Therefore, it is prayed that investigation of the present FIR be entrusted to some senior officer of the rank of Superintendent of Police.

4. Per contra, the learned State counsel on instructions submits that the petitioner is the maternal grandmother of the accused and the paternal grandmother of the minor victim, who is 5½ years old. Challan was presented in the instant case against the accused after thorough investigation. She further submits that the mother of the victim and the victim herself, in their respective statements recorded under Section 164 Cr.P.C. have supported the prosecution case. Moreover, the accused is absconding and is yet to be arrested, because of which reason the case file was consigned to record. The FSL report in the case is still pending. Furthermore, the applications/representations No. 310-PS dated 19.5.2025 and No. 729-PS dated 19.5.2025 moved by the petitioner for cancellation of the present FIR, were duly considered by the authorities concerned and finding no merits therein, and given the fact that the FIR had already been registered, the same were consigned. As per the MLR of the victim, it was found that possibility of sexual intercourse could not be ruled out.

5. In the present case, the accused, who is aged about 16½ years, is



alleged to have committed rape upon a minor girl aged about 5½ years, who is his cousin. Investigation in the present case is being carried out. Learned counsel for the petitioner has failed to establish any lapse in investigation which may warrant interference by this Court. Therefore, no ground is made out to interfere with the investigation of the present FIR.

6. Accordingly, the present petition stands dismissed.

7. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 23, 2025
Gurpreet Singh

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