

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

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2025:PHHC:109560



**CRM-M-44912 of 2025 (O&M)
DECIDED ON:25.08.2025**

Anu

.....PETITIONER

VERSUS

State of UT Chandigarh and others

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY.

Present: Mr. Rajiv Sharma, Advocate for the petitioner.

Mr. Adhiraj Toor, Advocate for
Mr. J.S. Toor, APP U.T., Chandigarh.

AARADHNA SAWHNEY., J.

By virtue of the present petition, petitioner-Anu, daughter of Mehar Chand, resident of House No. 1579, Sector 45, Burail, Chandigarh has made following prayers:

- (i) To set aside order dated 19.10.2022 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Chandigarh;
- (ii) To set aside the order 17.05.2025 (Annexure P-9) of learned Additional Sessions Judge, Chandigarh vide which the aforesaid order dated 19.10.2022, was upheld;
- (iii) To set aside the order dated 01.03.2025 (Annexure P-8) of learned Judicial Magistrate Ist Class, Chandigarh whereby the complaint of petitioner was finally dismissed after holding inquiry;
- (iv) To direct official respondents to register FIR on her complaint dated 15.2.2021:

2. Petitioner, a resident of Sector 45, Chandigarh, claims that she has been regularly visiting Brahma Kumari's Ashram in Sector 46, Chandigarh.

On 30.01.2021 when she went to the Ashram she was beaten up by the private respondents. In the assault she suffered serious injuries. Immediately thereafter, police authorities were intimidated, who also sided up with private respondents and did not hear her pleas. Despite repeated requests the CCTV footage was also not checked up. Thus they left the Ashram without properly inquiring into the matter. Though she was dropped by them to her residence in the PCR. Even on way, she was pressurized to enter into a compromise with the respondents. She was so scared that she left for her native place in Himachal Pradesh. On 08.02.2021, she returned back and approached Human Rights Commission, who advised her to approach the Senior Police Authorities, Chandigarh along with her complaint. Acting on the said advise she lodged complaint. Copy of the same is appended as Annexure P-1. As the pain in her right knee was not subsiding, she visited Government Multi Specialist Hospital, Sector 45, who prescribed MRI. Detailed report along with copy of statement of Dr. Naveen, Assistant Professor, Department of Orthopedics, GMCH, Sector 32, has also been appended as Annexure P-3 and P-4 respectively.

* It is further her case that when the police authorities did not investigate the matter, she filed an application under Section 156(3) Cr.P.C. which was dismissed in terms of order dated 19.10.2022 (Annexure P-5) though the learned Magistrate provided her opportunity to lead her evidence.

3. Aggrieved of the aforesaid order, she filed a revision petition before this Court, (vide *CRM-M-21988-2023 titled as Anu Versus State of UT through SSP U.T. Chandigarh and others*) which was also dismissed in terms of order dated 15.05.2023 granting liberty to her to avail the appropriate remedy before the learned Sessions Court. Thereafter, she filed Criminal Revision No.155 of 2023, which was dismissed on 17.05.2025 (Annexure P-9). In the meanwhile, she also led evidence in the complaint case.

It is her grievance that even the complaint was illegally dismissed by the learned Magistrate vide order dated 01.03.2025 (Annexure P-8).

4. The case that has been set up by the petitioner is that the police authorities did not properly investigate the case on the day of incident. Her statement was not recorded. She was not got medicolegally examined. On the contrary, the incident was given a different colour on the statement of respondent No.3- B.K. Shivani, who alleged that the petitioner had forcibly tried to enter the Ashram. It is also her (petitioner) plea that neither the learned Magistrate nor the Court of Sessions applied their mind while dismissing the complaint and the revision filed by her. Hence, the present petition.

* As is apparent from the facts mentioned hereinabove, the petitioner filed a complaint before the learned Magistrate with a request to order police investigation into the allegations made by her in the complaint as provided under Section 156(3) Cr.P.C. Learned Magistrate declined the said request vide order dated 19.10.2022 (Annexure P-5) and proceeded to inquire the complaint herself (as per Section 200 Cr.P.C.). Thereafter, the complainant led evidence and after holding the inquiry, the learned Magistrate, dismissed the complaint finding no substance in the allegations levelled by complainant vide detailed order dated 01.03.2025 (Annexure P-8) As noted hereinabove, the order vide which the request of the petitioner to order police investigation was declined by the Magistrate was also assailed by her (petitioner) by filing a revision petition before the learned Additional Sessions Judge. The same also came to be dismissed in terms of order dated 17.05.2025 (Annexure P-9).

This Court is of the opinion that once the learned Magistrate instead of ordering the police investigation into the allegations made in the complaint, proceeded to inquire into the complaint and after holding the inquiry dismissed the complaint in terms of the order dated 01.03.2025 (Annexure P-

8), the order dated 19.10.2022 (Annexure P-5) passed by the Magistrate whereby the request of the petitioner for police investigation was declined, pales into insignificance and cannot be challenged now. There cannot be parallel proceedings before the police and Magistrate regarding investigation/inquiry into the allegations made by the complainant.

So far as the order dated 01.03.2025 (Annexure P-8) passed by the learned Magistrate is concerned, vide which the complaint filed by the petitioner was dismissed after holding inquiry, the petitioner is relegated to the remedy of challenging the same in the Court of Sessions.

With the above observations, the present petition stands disposed of.

25.08.2025.

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**(AARADHNA SAWHNEY)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>