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

**CWP-32380-2025 (O&M)
DECIDED ON: 22.12.2025**

Roshani Devi

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JAGMOHAN BANSAL.

Present: Ms. Shruti Jain Goyal, Advocate for the petitioner
Mr. Ravi Pratap Singh, D.A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of:

- I. Order dated 07.04.2025 (Annexure P-7) whereby punishment of reduction in rank has been awarded;
- II. Order dated 12.05.2025 (Annexure P-10) whereby Commissioner of Police has dismissed her appeal; and
- III. Order dated 08.09.2025 (Annexure P-12) whereby DGP has dismissed her revision.

2. The petitioner was awarded punishment of reduction in rank vide order dated 07.04.2025 alleging misconduct. The said punishment was awarded after following procedure prescribed under Rule 16.24 of Punjab Police Rules, 1934 (as applicable to State of Haryana). She preferred appeal which came to be dismissed by appellate authority vide order dated 12.05.2025. She preferred revision which has been dismissed vide order dated 08.09.2025. She claims that she had discharged her duty sincerely and with due diligence. There was no lapse on her part.



3. The petitioner from 28.06.2022 to 10.09.2024 was posted at Police Station Bhondsi, District Gurugram as Assistant Sub- Inspector. Police Station Bhondsi on 24.07.2024 received a complaint dated 11.07.2024 from Police Station Sohana. The said complaint was marked to the petitioner. In the said complaint, the complainant namely Kamlesh had alleged commission of offence of rape by Balesh son of Kartar Singh. The complainant tendered affidavit dated 19.07.2024 to the Investigating Officer ASI Saroj, Police Station Sohana to the effect that she does not want any action on her complaint. On the basis of statement of the complainant and her affidavit, the petitioner prepared inquiry report and submitted to Naresh Kumar, Inspector, Police Station Bondsai who prepared closure report and sent the same to Assistant Commissioner of Police on 10.08.2024 for further action. Balesh against whom there was allegation of commission of offence of rape filed complaint dated 30.07.2024 to Assistant Commissioner of Police, Sohana alleging that Kamlesh and Tej Ram in connivance with each other have blackmailed him and extorted Rs.1.5 Lakhs in lieu of affidavit of compromise. He also furnished audio recording of conversation between Kamlesh and Tej Ram. The said complaint culminated in FIR No.292 dated 11.09.2024 under Sections 308(2) and 61 of BNS at Police Station Bhondsi, Gurugram.

4. On 10.07.2024, a complaint dated 02.07.2024 was received from Ganga daughter of Chet Singh. The said complaint was received at Police Station Bhondsi from the office of DCP, South, Gurugram. Said complaint was marked to petitioner for investigation. The complainant during investigation tendered her statement to the effect that she does not want any action. On the basis of statement of complainant, the petitioner prepared inquiry report and submitted to Inspector Naresh Kumar who further



submitted his report to higher officers. The complaint was closed vide closure report dated 20.11.2024. On the basis of repeated representations of complainant- Ganga, FIR No.392 dated 14.11.2024 under Section 376 IPC was registered and accused Surinder was arrested on 30.12.2024.

5. The respondent on 10.09.2024 placed the petitioner under suspension alleging that she did not register FIR on the complaint of Kamlesh and attempted to get the matter compromised. The Inquiry Officer on 08.11.2024 served summary of allegations along with list of witnesses. During the course of inquiry, 9 prosecution witnesses were examined. On the basis of examination of prosecution witnesses, she was issued charge-sheet dated 16.01.2025 by Inquiry Officer. The Inquiry Officer concluded his inquiry and submitted report dated 11.02.2025. The Inquiry was initiated with respect to complaint of Kamlesh whereas Inquiry Officer in his conclusion noticed complaint dated 02.07.2024 of Ganga. Relevant extracts of the inquiry report are reproduced as:-

“Conclusion Report:- After perusing the documents available on the departmental investigation file and the pen drive, statements of prosecution witnesses, written reply submitted by the delinquent and my investigation, it was found that lady ASI Roshani No.915/Jhajjar was posted as an investigating officer in Police Station Bhondsi, Gurugram from 28.06.2020 to 10.09.2024. During that period, on receipt of complaint No.2213-DS dated 11.07.2024 (Office of Deputy Commissioner of Police, South, Gurugram) from Police Station City Sohna at Police Station Bhondsi, investigation was carried by lady SI Roshani. During the investigation, when the complainant gave her written statement and affidavit on the complaint given by her, a report was prepared and sent



by lady ASI Roshani No.915/Jhajjar regarding consigning the complaint in the office.

In relation to the above incident, complainant of complaint No. 2213-DS dated 11.07.2024, lodged another complaint against the complainant Kamlesh and Tejaram, son of Ranbir, resident of Rithoj, Gurugram and FIR No. 292 dated 11.09.2024 under Section 308 (2), 61 BNS was registered at Police Station Bhondsi, Gurugram.

Apart from this, a complaint No.2060-DS dated 02.07.2024 (Office. Deputy Commissioner of Police, South, Gurugram) was investigated by lady ASI Roshani No.915/Jhajjar. During the investigation, when the complainant reached a mutual settlement for not taking any action on the complaint, upon which lady ASI Roshani No.915/ Jhajjar prepared a report on the said complaint and sent. During the departmental investigation in relation to the said complaint, the record of complaint No.2060-DS dated 02.07.2024 given by the complainant Ganga daughter of Chait Singh resident of village Mallala Lakhora Almora, Uttarakhand was obtained from the office of Deputy Commissioner of Police, South. On perusal of which it was found that on another complaint given by complainant Ganga daughter of Chet Singh, FIR No.392 dated 14.11.2024 under Section 376(2)(N) IPC was registered at Police Station Bhondsi, Gurugram. In this regard, from the circumstances of the case received from the SHO Police Station Bhondsi, it was found that during the investigation of the case, after arresting the accused Surrender on 30.12.2024, a challan has been prepared in the case on 29.01.2025.

Lady ASI Roshani No.915/ Jhajjar should have taken immediate action on the complaint of crime against women and register an FIR as per rules and conducted



prompt investigation and if during investigation the allegations were found to be untrue then preventive action should have been taken against the complainant under Section 182 IPC. Thus, by not taking the above action, the working style of Lady ASI Roshani No.915/ Jhajjar is questionable. Apart from this, as per the records of the conduct register of the delinquent, the delinquent repeatedly showed negligence in government work. Due to which many contrary comments were found to be entered in the conduct register and in the written reply submitted by the delinquent, she has mentioned that the affidavit was given by the complainant to the lady ASI Saroj during the investigation in Police Station City, Sohna, Gurugram, but in the report prepared by the lady ASI Saroj on 15.07.2024, no mention was made about the affidavit, only the statement of the complainant about the place of incident being Police Station Bhondsi has been recorded and in the report prepared by the delinquent ASI Roshani on 10.08.2024, it is mentioned in the report that the complainant appeared and presented the affidavit and recorded the statement. Apart from this, during the departmental investigation, the date of verification on the affidavit of the complainant Kamlesh presented by prosecution witness no.7 Balesh son of Kartar Singh, resident of Rithoj, Tehsil Sohna, District Gurugram was shown as 19.07.2024. From this it appears that the complainant Kamlesh has presented the affidavit to the lady ASI Roshani. Hence, I do not agree with the written reply presented by the delinquent lady ASI Roshani.

Therefore, from the investigation till now, the allegations levelled against the delinquent Lady ASI Roshani No.915/Jhajjar regarding not discharging her official duties honestly are proved.”



6. On the basis of aforesaid inquiry, the Disciplinary Authority issued show cause notice dated 03.03.2025 proposing major punishment for misconduct. The petitioner filed reply to show cause notice and Disciplinary Authority vide order dated 07.04.2025 awarded punishment of reduction from the rank of Assistant Sub- Inspector to Head Constable. The petitioner unsuccessfully preferred appeal as well as revision before higher authorities.

7. Learned counsel for the petitioner submits that inquiry officer in his conclusion noticed complaint of Ganga which was not even part of proceedings. The petitioner was not original Investigating Officer. The complaint of Kamlesh was received at Police Station Sohana. Affidavit of Kamlesh was also filed at Police Station Sohana. Original Investigating Officer forwarded affidavit to petitioner who on the basis of statement of complainant-Kamlesh prepared affidavit and forwarded to Inspector Naresh Kumar. Final report was prepared by Inspector Naresh Kumar which was further forwarded to ACP. There was no lapse on her part still she was awarded major punishment of reduction in rank.

8. Per contra, learned State counsel submits that petitioner did not register FIR despite receipt of complaint alleging commission of crime against woman. As per guidelines, the petitioner was duty bound to register FIR. She compelled the complainant to enter into compromise which was misconduct on her part.

9. I have heard learned counsel for the parties and perused the record with their able assistance.

10. From the perusal of record, it is evident that petitioner has been awarded major punishment of reduction in rank alleging that she did not



register FIR and compelled complainant to enter into compromise with accused. From the statements of witnesses and report of Inquiry Officer as well as order of disciplinary authority, it cannot be concluded that petitioner compelled complainant to enter into compromise with accused. There is not even a single evidence disclosing that petitioner was instrumentality to compel Kamlesh to enter into compromise with Balesh. Kamlesh appeared before Inquiry Officer and tendered her statement wherein she categorically stated that she entered into compromise with Balesh and complaint was lodged on account of misunderstanding. It is apt to notice that Balesh lodged complaint against Kamlesh alleging that she had coerced a sum of Rs. 1.5 lakh from him on the pretext that she would lodge FIR against him alleging commission of offence of rape. FIR was registered against Kamlesh and Tej Ram. The petitioner was not Investigating Officer and affidavit was received by original Investigating Officer. She prepared report as per statement and affidavit of Kamlesh and forwarded her report to Inspector Naresh Kumar. In the absence of evidence disclosing that petitioner misused her position to compel Kamlesh to enter into compromise with Balesh, she could not be held guilty for misconduct. Audio recording which formed basis for registration of FIR against Kamlesh and Tej Ram reveals that Balesh was not accused. In such circumstances, action of petitioner was justified. Registration of FIR at the first blush, without looking into affidavit and statement of Kamlesh must have caused irreparable loss to Balesh. It appears that authorities with pre-determined mind have implicated the petitioner and awarded major punishment.



11. In the wake of above discussions and findings, this Court is of the considered opinion that the impugned orders deserve to be set aside and accordingly set aside.

(JAGMOHAN BANSAL)
JUDGE

22.12.2025
Paramjit/SDK

Whether speaking/reasoned	Yes
Whether reportable	Yes