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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55138-2024 (O&M)

Date of Decision: 24.01.2025

Kamaldeep Kaur @ Kamaldeep @ Kamaljeet

....Petitioner

Versus

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Pushpinder Kaur, Advocate, for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr.H.S. Rana, Advocate for

Mr.S.S. Momi, Advocate, for respondent No.5.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS seeking issuance of a direction to respondent No.2 for fair and impartial investigation through some independent/impartial agency and necessary directions to transfer the investigation arising out of FIR No.129 dated 15.06.2014, under Sections 354-A, 376, 506 and 511 IPC, registered at Police Station Siwan, Kaithal.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner was married to one Sukhmeet Singh and two children were born out of the wedlock but unfortunately the husband of the petitioner died due to accident and after the death of the husband of the petitioner, the father-in-law of the petitioner had made unnecessary advances against her regarding which she had made a complaint to the police but no action was taken and later on, an FIR was registered against respondent No.6



who is the father-in-law of the petitioner under Sections 354-A, 376, 506 and 511 IPC. She submitted that after the investigation of the case, the police prepared cancellation report on 16.07.2024 and presented the same before the competent Court of jurisdiction on 20.11.2024. She submitted that the petitioner and her children are also having threat from her father-in-law and submitted that now the children are staying and living alongwith the petitioner at her parental house in District Karnal and the village of the in-laws of the petitioner is in District Kaithal. She submitted that vide order dated 19.12.2024 rather a direction was issued to the SHO, Police Station Siwan, District Kaithal to personally record the statement of the petitioner in the presence of a lady police officer and thereafter fresh status be filed and in pursuance thereof, she gave her statement before the police officer and told that her children have threat from the father-in-law. She submitted that in view of the above, necessary direction be issued to respondent No.2 to protect the life and liberty of the petitioner and also to investigate the case properly.

3. On the other hand, Mr. Surinder Kumar Dagar, learned DAG, Haryana has submitted while referring to three affidavits/status reports filed by the police that so far as the investigation of the case is concerned, the matter was thoroughly investigated and after the investigation, the cancellation report was prepared which was approved by the Superintendent of Police and thereafter, the cancellation report has been sent to learned Illaqa Magistrate on 20.11.2024. He submitted that the petitioner is contesting the aforesaid cancellation report and it has been taken to be a protest petition by learned Illaqa Magistrate which is still pending before Illaqa Magistrate as to whether the protest petition pertaining to the petitioner is required to be accepted or not and therefore, at this stage, no



such direction may be issued in this regard because the matter is pending before learned Illaqa Magistrate.

4. Learned State counsel submitted that so far as the threat perception is concerned, the SHO had complied with the order passed by this Court on 19.12.2024 and has also got recorded the statement of the petitioner wherein although she has so stated that her children have threat from the grand-father i.e. respondent No.6 but the threat perception was gone into thoroughly by the police by which it came to the conclusion that as per the status report filed by the police, there is no threat to the petitioner or her children especially in view of the fact that she is living in her parental house in District Karnal, whereas the respondent No.6 is living in District Kaithal.

5. Learned State counsel has also submitted that as of today there is no threat to the petitioner from respondent No.6 or his relatives but in case the petitioner still feels that in future she has any threat from respondent No.6 or his relatives, then she can make a complaint directly to the SHO or to the Superintendent of Police and thereafter, the respondent-State undertakes to further re-assess the threat perception of the petitioner and in case there is any threat perception to the petitioner from anybody including respondent No.6 or his relatives, then necessary steps will be taken in accordance with law.

6. I have heard the learned counsel for the parties.

7. The prayer in the present petition is for seeking a direction for fair and proper investigation against respondent No.6 and the family members and also to assess threat perception of the petitioner. As per the stand taken by the respondent-State in the status reports filed by them, the



FIR which was registered against respondent No.6 has already been investigated and cancellation report has been filed before learned Illaqa Magistrate on 20.11.2024 and the same was taken as a protest petition on the basis of the application filed by the petitioner and learned Illaqa Magistrate is now seized of the matter whereby protest petition is to be considered in accordance with law. Therefore, this Court is of the considered view that at this stage no such direction can be issued for transfer of the investigation because the matter is pending before learned Illaqa Magistrate pertaining to the decision on the protest petition.

8. So far as the threat perception of the petitioner is concerned, it is so stated by the learned State counsel as per the affidavits filed by the police that after thorough investigation, it has been found that there is no threat to the petitioner. Learned State counsel also categorically stated that even in future if the petitioner has any threat from anybody including respondent No.6 or his relatives, then the petitioner can always move any complaint/representation to the SHO or even to the Superintendent of Police and the learned State counsel has also stated that in the event of the petitioner doing so, action will be taken promptly and appropriate steps will be taken in case it is so required after properly considering the threat perception of the petitioner.

9. In view of the aforesaid factual position, this Court is of the considered view that at this stage no further directions are required to be issued and consequently, the present petition is disposed. It is directed that in case at any stage in future the petitioner files any complaint /representation to the SHO or to the Superintendent of Police of the concerned district for protection of life and liberty based upon threat, then



it shall be the duty of the SHO/Superintendent of police/authority where the complaint/representation is moved to promptly consider the same and in case it is found that there is some threat to the petitioner, then necessary action shall be taken in accordance with law.

24.01.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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