

CRM-M-62036 of 2023

2025:PHHC:045312



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

CRM-M-62036 of 2023

Date of decision: 03.04.2025

Mxxxx

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: - Mr. Sourabh Kandoi, Advocate,  
for Mr. Munfaid Khan, Advocate,  
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

**NAMIT KUMAR, J. (ORAL)**

1. This petition has been filed under Section 482 Cr.P.C. for issuance of direction to respondent No.2 to conduct fair investigation himself/herself or to transfer the investigation in case FIR No.175 dated 23.06.2023 registered under Sections 376, 506 IPC at Police Station Bhondsi, District Gurugram, to some higher police officer of the District for fair investigation.

2. Reply by way of affidavit of Abhilaksh Joshi, Assistant Commissioner of Police, Sohna, Gurugram, on behalf of respondents No.2 to 5 is already on record wherein it has been stated as under: -

*“9. That the allegations leveled by the petitioner were thoroughly investigated by the Investigating Agency by way of conducting a detailed and at length investigation, however, no substance has been found in the allegation levelled by the petitioner and nothing incriminating surfaced against the accused. No veracity was found in the allegations leveled against the respondent no.6 and*

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*accordingly, a cancellation report dated 07.08.2023 had been prepared in the matter, which was put in the Court of competent jurisdiction. The petitioner had expressed her dissatisfaction qua the police investigations and subsequently she has filed a criminal complaint which has been registered as COMI-18/2024 titled as Monika Sharma Vs. Sanjay Jain which is pending before the Court of Id. Area Magistrate being fixed for 13.01.2025. Further, it shall be apposite to mention here that a Calandra under Section 182 IPC has been prepared against the petitioner, which shall be put in Court of competent jurisdiction in due course. The true translated relevant extract of the cancellation report and the Calendra under Section 182 IPC are being appended to alongwith the present affidavit for the kind perusal of the Hon'ble Court as **Annexure R3 and R4** respectively.*

*10. That the petitioner has no locus standi to file and maintain the present petition. It shall be apposite to mention here that pursuant to the submission of the cancellation report in the matter, the petitioner herein had put in her appearance before the Id. Area Magistrate and had expressed her dissatisfaction qua the police investigations and subsequently she has filed a criminal complaint which has been registered as **COMI-18/2024** titled as **Monika Sharma Vs. Sanjay Jain** which is pending before the Court of Id. Area Magistrate being fixed for 13.01.2025. The petitioner cannot simultaneously avail two remedies. As the petitioner has availed the statutory remedy of preferring a criminal complaint, the present petition is liable to be dismissed.”*

3. Above said factual position has not been disputed by learned counsel for the petitioner.

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4. In view of the stand taken in the reply, learned State counsel submits that the instant petition has been rendered infructuous.
5. Disposed of as having become infructuous.

03.04.2025  
R.S.

**(NAMIT KUMAR)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No