

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

COCP No.1783 of 2008

Date of decision: March 05, 2009

Rahisan

.....PETITIONER

Versus

Feroza Mehrotra, IAS and others

.....RESPONDENTS

CORAM: HON'BLE MR JUSTICE T.P.S.MANN

**PRESENT: Mr Satish Chaudhary, Advocate
for the petitioner.**

**Mr S.K.Hooda, Sr Deputy Advocate General, Haryana
for respondent Nos. 1 to 6.**

T.P.S.MANN, J. (Oral):

On 16.9.2008 while disposing of Crl. Misc. No.M-24018 of 2008 filed on behalf of the petitioner, the Court ordered that the petitioner shall appear before the concerned Senior Superintendent of Police on 22.9.2008 and on her doing so, the Senior Superintendent of Police would listen to her grievance and dispose of her application/representation accordingly.

Reply has been filed by Ram Singh Bishnoi, IPS, Superintendent of Police, Rewari (Respondent No.3). He has stated therein that during investigation of the case arising out of FIR No.120 dated 9.7.2008, registered at Police Station, Rampura, the matter was primarily found to be a case of accident, the deceased having been hit by a truck. The Investigating Agency had made detailed investigations and the FIR under Section 304-A IPC has been sent as untraced on 10.11.2008 for want of knowledge of the offending truck and its driver, despite serious attempts to

locate and trace out the same. The matter had been fairly investigated and there was no malafide or extraneous consideration on the part of respondent No.3. It was purely a case of accident and not of murder as claimed. It has also been stated in the reply that the petitioner alongwith some of her relations appeared before respondent No.3, who heard her grievances. The petitioner and the persons accompanying her volunteered to get their statements recorded in the form of duly sworn affidavits. Their affidavits were taken on record on 22.9.2008 itself. As those affidavits revealed serious allegations against respondent Nos.7 to 11, notices were, accordingly, sent to those respondents on 22.9.2008 itself, with clear directions to them to appear before respondent No.3 for the purpose of enquiry on 26.9.2008. Both the parties did appear on 26.9.2008, but on a request made by them, the proceedings were ordered to be taken on 6.10.2008 after the conclusion of month of Ramjan. Respondent No.3 then recorded statements of respondent Nos.7 to 11 on 6.10.2008. Since the investigation in the FIR was going on side by side, it was revealed during the investigation that a telephonic message had been received in the Control Room on the fateful night of accident and one Surender Singh had informed the police Control Room with regard to the accident having taken place. The record of the police Control Room maintained in the form of log was taken on record and the statement of Operator/S.I. Incharge Control Room was recorded on 13.10.2008. The statement of Surender Singh son of Ram Chander, r/o Maharampur, Police Station Sadar, Narnaul, District Mohindergarh was also recorded on 25.10.2008. The statement of Surender Singh substantiated the case to be one of accident. However, for the purpose of fair investigation, the mobile records of respondent Nos. 7 to

11 were obtained, which revealed that the location of respondent Nos.8 to 11 was nowhere near the place of accident on the fateful day. The call details revealed that only respondent No.7 was in the area of Rewari, since being the driver of the tractor that had met with an accident. Keeping all the circumstances in mind, a detailed report dated 6.11.2008 was made by respondent No.3 finalizing the enquiry. Since the petitioner was not happy with the preliminary outcome of the enquiry, she filed the present contempt petition so as to pressurize respondent No.3 and other police officials. There was no substance in the allegations.

In view of the above where the investigation of the case has already been completed and untrace report submitted by the police before the Illaqa Magistrate, the present petition has been rendered infructuous and is, accordingly, disposed of. Rule is discharged.

However, the petitioner will be at liberty to appear before the concerned Illaqa Magistrate and file a protest petition, if so advised.

March 05, 2009
Pds

(T.P.S.MANN)
JUDGE