

**IN THE COURT OF SACHIN YADAV, SUB DIVISIONAL JUDICIAL
MAGISTRATE, GUHLA
(UID NO.HR-0324)**

Crl. Case No.302 of 2022
Date of Institution: 11.10.2022
CNR No.HRKHA1-001376-202
CIS Generated No.UCR-500-2022
Date of Decision: 18.03.2023

State of Haryana through Maya Devi wife of Charna Ram, r/o Theh Banehra, P.S. Cheeka.

-----**Complainant**

Maan Singh son of Chuhar Singh r/o Ram Nagar, Tehsil Rajpura, District Patiala.

-----**Accused.**

FIR No.101 Dated: 22.05.2017
Under Sections: 328, 354-C, 365,
376-D, 506 of IPC.
P.S. Cheeka.

Present: Sh. Sandeep Singh Handa, counsel for complainant.

ORDER:-

1. Brief facts of the present case are that a complaint was moved by the complainant Maya Devi to the police on 22.05.2017, alleging that Maan Singh had taken Rs.80,000/- and certificates of her daughter for getting her admission in nursing course, but he could not do that. At around one and half years back, one person came to her house and told him that Maan Singh had come to Cheeka to give her amount and documents back. When she went to Cheeka near Bakhra bridge, Maan Singh was standing there along with some other persons. They made her smell something and she became unconscious. When she got conscious, she found herself in a compromising condition and 2-3 persons were already present there. They had also made a nude film of her while doing wrong acts. After sometime, he again became unconscious and in the evening, she found herself at

Pehowa bus stand, from where, she came back to her home. She further stated that she did not tell about this incident to anyone because of fear and shame. After this incident, some other men came to her house and forced her to come near Bakhra canal from where they took her to some unknown places and physically abused her. On 17th October 2013, Maan Singh and 2-3 other persons forcefully took her and raped her. When her husband came to know about this fact, he got a heart attack on 2nd August 2013 and remained admitted in the hospital. With these allegations, she requested that action be taken against the accused persons.

2. On this complaint, FIR No.101 dated 22.05.2017 was registered and investigation was carried out. Statement of victim under Section 164 of Cr.P.C. was got recorded on 10.07.2017. After investigation, the police prepared the cancellation report in this case.

3. Perusal of the final report/cancellation report shows that after recording statement under Section 164 Cr.P.C., when the police officials took the victim to the hospital for medical examination, she refused to get herself examined. On 20.07.2017, a notice was given to her for medical examination, but she kept delaying. A notice was also given to her to get the place of occurrence demarcated, but she did not come. The victim also gave the statement that she did not want to get herself medically examined. During investigation, it was also found that family members of the complainant had given various complaints against the accused Maan Singh, in which, different kinds of allegations were levelled against him. The complainant herself also moved a complaint on 22.10.2013 to the police against Maan Singh, in which, she alleged that Maan Singh had taken Rs.80,000/- from her to get her daughter admitted in nursing course, but he

did not do so and he physically abused her. It has also come in the investigation that the husband of the complainant and his brother earlier also filed a complaint against Maan Singh which was also found false and the dispute between the parties is with regard to registration of plot. During investigation, the mobile location of the mobile numbers of Maan Singh were also taken which was not found at the alleged place of occurrence. Copy of complaint moved by the complainant against Maan Singh in the year 2013 and present complaint shows that the allegations are almost similar. Once, complainant had already moved a complaint which was found to be false, there was no occasion for moving another complaint to the police with regard to same allegations. Also, learned counsel for the complainant has failed to explain as why the complainant did not go for medical examination. Id. Counsel for the complainant also failed to explain as why this cancellation report should not be accepted. Neither any protest petition has been filed by the complainant nor any document has been placed on record to show that the investigation was not done in a proper manner.

4. In the totality of the circumstances as detailed above, it is clear that no prima facie case is made out against the accused persons. Therefore, this court does not deem it fit to summon accused persons in the present case. The investigation is done in a proper manner. Accordingly, the cancellation report filed by the police is hereby accepted. File be consigned to record room after due compliance.

Pronounced in open Court:
Dated: 18.03.2023

(Sachin Yadav)
Sub Divisional Judicial Magistrate,
Guhla. (UID No.HR-0324)

Note: All 3 pages of this order are checked and signed by me.

Date of order: 18.03.2023

(Sachin Yadav)

Typed by Monu, stenographer Gr.II

Sub Divisional Judicial Magistrate
Guhla (UID No.HR-0324)

CNR No.HRKHA1-001376/2022

UCR/500/2022

Present: Sh. Sandeep Singh Handa, counsel for complainant.

Arguments heard. Vide my separate detailed order of even date, the cancellation report filed by the police is accepted. File be consigned to record room after due compliance.

Date of order: 18.03.2023

Typed by Monu, stenographer Gr.II

(Sachin Yadav)

Sub Divisional Judicial Magistrate
Guhla (UID No.HR-0324)