
(2021) 03 SHI CK 0152
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 408 Of 2020

Rani	Vs	APPELLANT
State Of H.P. & Others		RESPONDENT

Date of Decision : 19-03-2021

Acts Referred:

Citation : (2021) 03 SHI CK 0152

Hon'ble Judges : L. Narayana Swamy, CJ; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Jagat Pal, Ashok Sharma, Adarsh K. Sharma, Ritta Goswami

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. The prayer of the petitioner is for a direction to respondents No.3 to 4 to add appropriate Sections in F.I.R. No.227/2019 dated 23.10.2019 registered at Police Station Sadar, District Shimla against the suspected persons.

2. The case of the petitioner is that the victim-deceased has succumbed to the injuries sustained by him, but despite the complaint made by the petitioner, the respondents have not taken any effective steps in putting the appropriate Sections under the Indian Penal Code against the accused/suspected persons. Hence, the petitioner has filed the present writ petition.

3. Learned Additional Advocate General has placed reliance on the polygraph test and submits that on the basis of the complaint filed by the petitioner, investigation has been conducted and on investigation, nothing has been found against the suspects named by the petitioner in the complaint. They had also taken steps for recording the dying declaration of the victim but the doctor opined that the victim was not in a position to make any statement.

4 We have heard learned counsel for the parties and gone through the record.

5. If the petitioner is an interested person and wants to add appropriate Sections in the FIR, it is always open for her to approach the learned Magistrate where the case is pending.

6. In view of the above, the writ petition is disposed of along with pending application(s), if any, with liberty to the petitioner to approach the Magistrate concerned, if she is still aggrieved.