

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

CRM No. M-23372 of 2015

Date of decision:- July 21, 2015

Bimla and another

.....Petitioners..

Vs.

State of Haryana and others

....Respondents..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Ms. Swati Batra, Advocate,
for the petitioners.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

JASPAL SINGH, J.

The present criminal misc. petition has been preferred under Section 482 of the Code of Criminal Procedure (for short, "Cr.P.C.") by petitioner seeking direction to respondents No. 2 and 3 to protect lives and liberty of petitioners as petitioner No.2 wishes to stay with petitioner No.1, which is not liked by respondent No.4.

2. Contention of learned counsel for petitioners is that petitioner No.2 is stated to be minor by her parents, who after leaving her house, intended to stay with petitioner No.1, who is the mother of boy to whom petitioner No.2 is married, being aggrieved by threat of respondent No.4 to marry her to a person of his choice, who is more than double the age of petitioner No.2. It has further been urged that

petitioner No.2 left her house on May 04, 2015 and reached at the house of petitioner No.1, from where, she along with son of petitioner No.1 namely Bansi Lal went to Ludhiana. On the following day, they returned to Hisar where they married in Sanatan Dharam Mandir on May 06, 2015. Since, family members of petitioner No.2 were searching for petitioner No.2, they found her at Hisar Railway Station with Bansi Lal. They called the police and got them arrested. Father of petitioner No.2 also got registered FIR under Section 363, 366-A, 376 (2), 466, 471 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012. In fact, said FIR has been got registered by narrating wrong and false facts, especially, in the circumstances that petitioner No.2 has solemnized marriage with Bansi Lal. Even, petitioner No.2 also intended to live with son of petitioner No.1 when her statement under Section 164 Cr.P.C. was recorded by Id. Magistrate but subsequently, father of petitioner No. 2 prevailed upon her and took her with him. In fact, she does not want to live with her parents. Learned counsel for petitioner accordingly prayed for issuance of necessary direction in this regard.

3. This Court has given a deep thought to the aforesaid submission made by learned counsel for petitioner but find the same to be without any legal substance.

4. As per allegations levelled in FIR, son of petitioner No.1 namely Bansi Lal enticed away minor daughter of respondent No.4 and subsequent thereto, she was intercepted by police in the company of Bansi Lal. Bansi Lal is not a petitioner in this case.

Rather petition has been filed by mother of Bansi Lal as well as on

behalf of minor daughter of Jaskaran-respondent No.4. A perusal of copy of order dated June 19, 2015 passed by JMIC, Tohana reveals that when daughter of respondent No.4 was produced in the Court, in pursuance of production warrant, she made a statement that she wishes to accompany with her parents and for passing of necessary order in this regard. Father of prosecutrix was also ready to take her to his house and to keep her nicely and with care. Prosecutrix is in the care and custody of her parents and in the circumstances narrated above, petitioner No.1 is not entitled for her custody. Otherwise also, it appears that a novel device has been adopted by filing this petition to get rid off the consequence flowing from the FIR registered by respondent No.4.

5. Accordingly, this Court does not find any merit in the instant petition. As such, same is dismissed. However, petitioners can have recourse to other alternate remedies available under law.

(JASPAL SINGH)
JUDGE

July 21, 2015
sonika