

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.32196 of 2015

Date of Decision:-21.09.2015

Kela Devi.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Mohammad Arshad, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The petitioner is the mother of the victim, allegedly a minor and is invoking the jurisdiction of this Court under Section 482 Cr.PC for setting aside the order dated 11.08.2015 (P-1) passed by the learned Sub Divisional Judicial Magistrate, Hathin whereby her application for conducting a medical examination of her alleged minor daughter Asha for substantiating the allegations of rape, has been dismissed; further prayer is for issuance of directions to enter the application regarding extending of legal aid.

After hearing learned Counsel for the petitioner at length, the claim of the petitioner for conducting the medical examination of her daughter Asha has no merit, as she has found to be of 18years old and major in age. The statement of the prosecutrix Asha before the Magistrate stands recorded wherein the allegations of the offence of rape has not been

substantiated. Therefore, the impugned order dated 11.08.2015 (P-1) declining the request for conducting of a medical examination has been rightly declined. Even otherwise, the petitioner has no locus to file such an application in the light of the prosecutrix herself, being a major not pressing for the offence of rape.

In view of the above, no case for interference is made out and as such the present petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

September 21, 2015
Vinay