

In the High Court of Punjab and Haryana at Chandigarh.

CRM-M-40184-2015

Date of Decision: 30.11.2015

Rashida @ Arshida

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 21.09.2015 and 19.10.2015.

FIR in question was registered at the instance of Hasam, father of the petitioner. The case of the complainant as per the FIR, in brief, is that petitioner had been forcibly picked up by the accused in a Bolero. Complainant had made efforts to search for his daughter but she could not be found.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

FIR was registered on 26.08.2015. Statement of the petitioner was recorded on the same day under Section 164 of Criminal Procedure Code, 1973 ('Cr.P.C.' in short) before the Magistrate. As per the said statement petitioner stated that she did not want to go with her parents. She had apprehension qua threat to her life and requested she be sent

to Nari Niketan. On 27.08.2015 petitioner moved an application that she wanted to go with her parents and was summoned from Nari Niketan for 30.08.2015. Petitioner appeared before the Magistrate on 31.08.2015 and stated that she did not want to remain in Nari Niketan and wanted to go with her parents. Thus, the prosecutrix had already made a statement under Section 164 Cr.P.C. before the Magistrate.

Prosecutrix also moved an application for her medico legal examination on 09.09.2015. However, the said application was withdrawn by the counsel for the complainant on 10.09.2015.

Since, in the present case, statement of the prosecutrix had already been recorded under Section 164 Cr.P.C. and she had herself withdrawn the application moved by her for her medical examination, Courts below rightly dismissed the application moved by the petitioner for recording of the statement of the prosecutrix under Section 164 Cr.P.C. and for her medical examination.

No ground for interference is made out. Dismissed. However, it is clarified that any observations made in the impugned orders by the Courts below will have no bearing on the merits of the case.

November 30, 2015
kapil

(SABINA)
JUDGE