

221

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

CRR No.1340 of 2015 (O&M)

Date of decision: August 10, 2015

Satbir Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S. Rana, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 05.01.2015.

Learned counsel for the petitioner has submitted that the petitioner is resident of Panipat. In fact, the investigation was conducted by Police Station Chandni Bagh, Panipat and thereafter, challan was presented in the Court. Trial was liable to continue at Panipat.

In the present case, FIR in question was registered on the basis of the statement of the prosecutrix.

Prosecution story in brief is that on 11.02.2013, father of the prosecutrix lodged a report with Police Post Kishanpura that his daughter was missing. Thereafter, father of the prosecutrix again lodged a report on 22.04.2013 that his daughter was still missing. On 26.05.2013, prosecutrix was recovered from the house of accused Deepak. Thereafter,

statement of the prosecutrix was recorded under Section 164 of Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) and her said statement as reproduced in the impugned order, reads as under:-

“It is stated that I went away from my house on 11.02.2013 at about 2:00 hours. I had failed in a paper. I was doing in B.Tech Ist year in Electronics. I was afraid. Being frightened, I went to Delhi on a passenger train of 2:30 hours. I used to sit sometime in some train and sometime in another. On 10th March, I met a lady named Pooja and her husband. I do not know his name. They told me that they have no child and they will keep me like their child. They introduced me to a lady named Sunita, after 5-6 days. She came to see me in Kishanpura Colony, in the house of Pooja. They used to take me to the house of Sunita in Vijay Nagar, Ghaziabad every second and third day. They got me married casually to Deepak secretly. I lived with Deepak for two months. He told me that he had purchased me for Rupees 1.25 lacs. He committed rape on me for two months. He established wrong relationship with me against my consent for two months. He did wrong act with me. I continued weeping. I did not use to eat food. Then I rang my mother with the phone of a body named Sachin. I told everything to my mother. The police has brought me with my maternal uncle. Deepak, Sunita, Pooja and her husband spoiled my life. They should be punished. I have nothing to say more.”

The statement of the prosecutrix as recorded under

Section 161 Cr. P.C. as reproduced in the impugned order

reads as under:-

“Statement of “A” daughter of “B” (real name with held) resident of (house number withheld), Kishanpura, Panipat aged about 19 years under Section 161 Cr. P.C.

It is stated that I am resident of the above stated address. I had went away from my house on 11.02.2013 at about 2:00 hours. I went to Delhi on train from railway station, Panipat. Then I kept doing journey on train till 10.03.2013. Then on 10.03.2013, at about 7:00 hours, I was sitting on the railway station. Then I met a lady named Pooja and her husband. I do not know his name. The said lady told me to accompany them and they will keep me like their child as they have no child. Then I went with them to Khoda colony, Ghaziabad and started living with them. In the mean time, the lady named Pooja introduced me to lady named Sunita. They kept on taking me to the house of Sunita for 3-4 days to arrange interview with boys. They used to threaten that if I refuse to marry, they will kill me. Then on 22.03.2013, they married me to Deepak son of Shri Chand, resident of Bistrava, District Gautam Budh Nagar, U.P. Forcibly. He did wrong act on me without my consent. Then, after one month, Deepak told me that he had purchased me for Rupees 1.25 lacs. Then I kept on weeping severely. Then one day, phone of a boy named Sachin was left with me inadvertently. I rang my mother with the said phone and told everything to her. On the said information, today on 26.05.2013, the police and my family members reached me. Legal action be taken against the above stated person/s. I have got my statement recorded and it is correct.”

After completion of investigation and necessary formalities, challan was presented in the Court. Vide the impugned order, the trial Court held that the said Court had no jurisdiction to try the case as offence in question had not occurred within the jurisdiction of the trial Court. Hence, the challan was returned to Station House Officer, Police Station Chandni Bagh, Panipat for its presentation to the appropriate Court having jurisdiction in the matter.

A perusal of the statement of the prosecutrix reveals that she had left her house of her own accord on 11.02.2013 for Delhi. Thereafter, she met the accused and the alleged offence was committed. The learned trial Court rightly held that the offence had not been committed within the jurisdiction of the trial Court as the prosecutrix had left her house at Panipat of her own accord.

In the facts and circumstances of the present case, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

August 10, 2015
mahavir