

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

Crl. Misc. No.M-1549 of 2016 (O&M)

Date of Decision: 08.04.2016

Yashoda @ Simran

....Petitioner

Versus

State of Haryana and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Sailender Singh, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

Crl. Misc. No.1390 of 2016

Allowed as prayed for.

Crl. Misc. No.M-1549 of 2016

This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.313 dated 31.10.2015 registered under Sections 346 and 376 IPC at Police Station Across Railway Line, Bahadurgarh District Jhajjar, Haryana with a further prayer for issuance of direction to Judicial Magistrate having territorial jurisdiction to record the statement of the petitioner under Section 164 Cr.P.C as her request has already been rejected vide Order dated 21.12.2015.

Admittedly, the petitioner is a victim and the present petition has been filed by her for quashing of FIR but the same is not maintainable.

Learned counsel for the petitioner wants to withdraw this prayer with the submission that the application moved by the petitioner for recording of her statement under Section 164 Cr.P.C has been dismissed, whereas, there is no bar in recording of statement under Section 164 Cr.P.C.

In the impugned order dated 21.12.2015, it has clearly been mentioned that earlier the statement of victim-petitioner was recorded under Section 164 Cr.P.C but subsequently, it has been stated that the same was recorded under the pressure of her in-laws and husband and was not the correct statement, therefore, the second statement under Section 164 Cr.P.C may be recorded.

It cannot be said at this stage as to whether the statement of the victim-petitioner recorded under Section 164 Cr.P.C was under pressure or not. Moreover, the application was moved by her after the recording of statement under Section 313 Cr.P.C on 10.11.2015, which was dismissed. The purpose of moving such an application at this stage, when the trial is likely to be concluded, is misconceived and as such, no interference is required with the impugned order.

The petition is accordingly dismissed.

However, the petitioner may avail the appropriate remedy, if available to her.

08.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE