

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

**CRM-M No.1136 of 2018
Decided on: 01.06.2018**

Mandeep Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : None for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition was entertained on a complaint received from Mandeep Kaur that the police has forcibly handed over her custody to her parents and they are physically maltreating her.

Status report by way of affidavit of the Deputy Superintendent of Police, Dinanagar, District Gurdaspur filed in the Court is taken on record.

It is stated in the status report that FIR No.45 dated 21.08.2017 under Sections 363, 366-A IPC and 8 of the POCSO Act (Section 376 IPC added later) at Police Station Dorangla was registered against Amarjit @ Kaka on the statement of Mohan Singh, the father of the complainant – Mandeep Kaur. It is further stated that the date of birth of Mandeep Kaur is 05.04.2004 and she was a minor and was kidnapped by said Amarjit @ Kaka. Thereafter, Amarjit @ Kaka was arrested on 25.08.2017 and the complainant – Mandeep Kaur was produced before the Illaqa Magistrate on 25.08.2017, who passed an order that the custody of minor Mandeep Kaur be handed over to her parents namely Mohan Singh and Ninder Kaur. Thereafter, challan in the aforesaid FIR was presented on 21.11.2017 and charges were framed on 19.12.2017 and the case is fixed for 06.06.2018 for prosecution evidence.

It is also stated in the affidavit that Mandeep kaur and her

husband namely Amarjit @ Kaka have also filed CRM-M No.30554 of 2017 before this Court seeking protection to their life and liberty, in which a direction was issued to the Senior Superintendent of Police, Gurdaspur to look into their representation and also enquire about the age of the petitioner and if, any cognizable offence is made out, he is at liberty to take action.

By passing a speaking order, the District Police Officer, Gurdaspur disposed of the representation on 18.09.2017 after recording the statement of Mandeep Kaur and her husband – Amarjit @ Kaka.

In the statement, Mandeep Kaur stated that she is living in a house with Amarjit @ Kaka and she has not given any application in the police station or any other officer. A copy of the statement made by Mandeep Kaur is attached with the affidavit as Annexure R1/T, in which she also stated that her age is about 18½ years.

In view of the statement made by Mandeep Kaur, recorded before the SHO, Police Station Dorangla and the affidavit of the Deputy Superintendent of Police, Dinanagar, District Gurdaspur, no further action is required in the present petition and the same is accordingly, disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

01.06.2018

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No