

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

**Crl. Misc. No. M-18548 of 2016
Date of Decision : February 21, 2018**

MahavirPetitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: None for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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LISA GILL, J. (Oral)

This petition has been filed seeking initiation of proceedings under Section 340 Cr.P.C. for concealment of facts and misleading the Court by obtaining orders for protection on 12.04.2016 in CRM-M-13016 of 2016. It is further prayed that Section 376 IPC be incorporated in FIR No. 287 dated 11.04.2016 registered under Sections 363/366-A IPC. The petitioner further prayed that legal action be taken against respondent No.4 for concealing the material facts.

As per the averments in the petition the petitioner's daughter

aged 18-1/2 years was allured by respondent No.4 who is alleged to be 45 years old. It is stated that respondent No.4 had evil designs on the petitioner's daughter and without her consent and in an illegal manner established physical relations with her while making false averments in the petition i.e. CRM-M-13016 of 2016. Respondent No.4 along with the petitioner's daughter sought protection from this Court. In the said petition it is wrongly mentioned that the petitioner and his family members are adamant to solemnize marriage of the petitioner's daughter to an old man or that the petitioner's daughter wanted to continue with her studies. Wife of respondent No.4, it is stated, had filed a complaint dated 16.04.2016 before respondent No.2 to the effect that she was married to respondent No.4 about 18 years ago and three children were born out of this wedlock. Therefore, it is stated that respondent No.4 while alluring the petitioner's daughter had wrongly projected himself to be a bachelor. All these facts have been concealed by respondent No.4 while approaching this Court at the time of filing CRM-M-13016 of 2016. It is, thus, prayed that this petition be allowed.

It is noticed that none has been appearing on behalf of the petitioner since the last number of occasions despite learned counsel for the petitioner being notified of the date fixed.

I have gone through the file and have heard learned counsel for the State.

It is relevant to note that the petition i.e. CRM-M-13016 of 2016 is attached as Annexure P2 with this petition. A perusal of the same

does not reveal any averment by respondent No.4-Rajbir Singh to the effect that he is even interested in getting married to the petitioner's daughter or that he had any kind of relation with her. The specific averment therein is that the petitioner's daughter had sought refuge from him and he had assured to help her out as well as help her continue with her studies. It is in this situation that when the petitioner's daughter and respondent No.4 were threatened, they approached this Court by filing CRM-M-13016 of 2016 seeking protection of their life and liberty.

As per affidavit dated 08.08.2017 of Shri Vivek Chaudhary, Deputy Superintendent of Police, City Karnal filed on behalf of respondents No. 1 to 3 it is specifically mentioned as under:-.

“2. That after registration of the case, investigation was carried out by Suraj Bhan/SI, Police Station Sadar, Karnal, who during the course of investigation recorded the statement of witness under Section 161 Cr.P.C. Special efforts were made to trace out the petitioner's daughter. On 04.05.2016, Rakhi appeared before the Investigating Officer and produced the copy of birth certificate. As per birth certificate of Rakhi (petitioner's daughter), her date of birth is 16.03.1998 at the time of incident, she was major. During the course of investigation Section 366-A of IPC was deleted and Section 366 of IPC was added in the above said case. An application for conducting the medical examination of the Rakhi was submitted before Medical Officer, Kalpana Chawla Medical Hospital, Karnal but

the victim denied for her medical examination on 04.05.2016. During the course of investigation, the Investigating Officer submitted an application before the court of Sh. Hemant Yadav, Ld. ACJM, Karnal for recording the statement of Rakhi under Section 164 Cr.P.C. The statement was recorded on 04.05.2016, in which she has categorically stated *“that her father Mahavir wants to solemnize her marriage forcibly with an elderly person and due to her disease, I can not get married because of my illness, so he wants to do so. I want to read. He would beat me if I did not get married. So, on 09.04.2016, I ran away along with Rajbir Singh who is my Brother-in-law (Jija). Thereafter, they were residing at Chandigarh from that date to till today. My family members has tried to kill me by sprinkling the kerosene oil upon her. Rajbir has helped me, who is my Brother-in-law (Jija) as per relation and is also my friend. I did not want to go at home and want to live with Rajbir.”*

3. That investigation of the case was also verified by Dy. Superintendent of Police, District Karnal and guidelines were issued to the Station House Officer, Police Station Sadar, Karnal. It is further alleged that taking into the consideration the statement so recorded by the Ld. Additional Chief Judicial Magistrate, Karnal, the cancellation report as per law was prepared in the titled FIR on 15.05.2016 and submitted on 08.08.2017. So, the present petition deserve to be dismissed.”

Keeping in view the facts and circumstances as narrated above, no orders are called for in this case. Moreover as noticed above there has been no representation on behalf of the petitioner since the last numerous occasions despite the counsel being notified. Needless to say the petitioner is at liberty to avail remedy/remedies as may be available to him in accordance with law for any surviving grievance including any against presentation of cancellation report in FIR No.287 dated 11.04.2016 under Sections 363/366-A IPC registered at Police Station Sadar, Karnal.

Petition is accordingly disposed of.

21.02.2018

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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No