

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

115

Criminal Misc. No.M-19904-2018
Date of Decision: May 10, 2018.

ANAR SINGH

..... PETITIONER

Versus

STATE OF HARYANA AND ORS.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.

LISA GILL, J.

This petition has been filed seeking direction to respondents No. 1 to 3 to release the prosecutrix from Nari Niketan situated at Karnal and handover her custody to the petitioner, who is her father.

FIR No. 209 dated 20.04.2017, under Sections 363, 366(A) and 34 of IPC, Police Station Sadar Bhiwani, was registered at the instance of the present petitioner against accused, namely, Amit and Balram with the allegations of his minor daughter being allured by them. However, the alleged victim in her statement has completely exonerated the accused. She was thereafter lodged at the Nari Niketan, as she refused to accompany her parents. An application was moved by the petitioner seeking the custody of the minor prosecutrix, which was dismissed by the learned Additional Sessions Judge, Bhiwani on 06.04.2018 (Annexure P-2). It is specifically recorded therein that the prosecutrix when produced before the Court, flatly refused to accompany her parents. She was given sufficient and requisite time to spend with her parents in Court but she

refused to accompany her parents. The application, was accordingly disposed of.

Being aggrieved of said order present petition has been filed.

Learned counsel for the petitioner fairly admits that the victim has since attained majority. It is not denied that she refused to accompany the petitioner, her father. Once the alleged victim expressed her unwillingness to accompany the petitioner, she cannot be forced to stay with the petitioner.

Learned counsel for the petitioner is unable to point out any illegality or infirmity in order dated 21.04.2018 passed by the learned Additional Sessions Judge/Exclusive Court, Bhiwani, to the extent of rejection of the petitioner's application seeking custody of the victim-his daughter. No ground is made out for directing handing over the custody of the prosecutrix (now major) to the petitioner.

Petition is, accordingly, dismissed.

May 10, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No