

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

CRM-M-41533 of 2017
Date of Decision:01.03.2018

AlimanPetitioner
Vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: None for the petitioner.

Mr.P.P.Chahar, DAG, Haryana.

Mr.Munfaid Khan, Advocate for respondents
No. 4 and 5.

JAISHREE THAKUR J. (ORAL)

That is a petition filed under Section 482 Cr.P.C. for issuance of appropriate order or direction to respondents No. 1 to 3 to get the case FIR No.0073 dated 27.03.2015 under Sections 363 and 366 IPC, Police Station Bahin District Palwal, investigated through some other independent agency or by any senior Police Officer and to deal and prosecute the accused persons in accordance with law.

Notice of motion issued in the case and pursuant thereto, a reply on behalf of respondents No. 1 to 3 by way of affidavit of Moji Ram Deputy Superintendent of Police, Hodal has been filed in Court today. The same is taken on record.

In the said reply, it is stated that after lodging of the FIR, the police investigated the matter and during the course of investigation, Investigating Officer inspected the place of occurrence and statement of the persons present at the spot were recorded. The complainant(father of the prosecutrix) produced the prosecutrix before the police on 30.03.2015, then her statement under Section 162 Cr.P.C. was

recorded. Thereafter, she was medico legally examined on 31.03.2015 and later she

was produced before the learned Illaqa Magistrate on 04.04.2015 on which date, her statement under Section 164 Cr.P.C. was not recorded, but the Illaqa Magistrate directed that she be kept in Protection Home, Palwa till 07.04.2015. Again she was produced before the learned Illaqa Magistrate on 07.04.2015 on which date, her statement under Section 164 Cr.P.C. was recorded, in which she disclosed that accused Jafru son of Suleman resident of Raniyal Khurd Jhanda, Police Station Bahin, Palwal and Rashid son of Fajjar resident of Tirwada, Police Station Punahna, District Mewat kidnapped her and committed the offence of rape. Thereafter Section 366 IPC was deleted and 366-A IPC and Section 4 POCSO Act were added.

Despite various raids, the accused could not be arrested and eventually by an order dated 11.04.2016, they have been declared as proclaimed offenders.

I have heard learned counsel for the parties and peruse the case file as well as affidavit so furnished.

In view of the fact that investigation has been concluded, necessary offences have been added and challan has been presented as well as respondents No. 4 and 5 have been declared as proclaimed offender, no further orders are called for by this Court.

Needless to say that if the petitioner is still aggrieved, she is at liberty to avail appropriate remedy in accordance with law.

(JAISHREE THAKUR)
JUDGE

01.03.2018

Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No