

115.

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

CRM-M-8655-2019

Date of decision:26.02.2019.

Ilma Urch (minor) through natural guardian father Basruddin ... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Balraj Gujjar, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of a direction to respondents No.2 and 3 to arrest the accused in case FIR No.03 dated 29.01.2019 registered under Sections 4 & 8 of Protection of Children from Sexual Offences Act, 2012 and Section 506 of IPC, at Women Police Station NIT Faridabad, District Faridabad.

Learned counsel for the petitioner has argued that despite there being an FIR registered on 29.01.2019, the police has not arrested the accused. The petitioner has also submitted a representation to the official respondent for such prayer.

I have heard learned counsel for the petitioner.

This Court finds that when the FIR was registered on 29.01.2019, it is but presumed that the police must have proceeded in the case and the investigation thereof. Even otherwise, the incident statedly occurred on 25.01.2019 whereas the FIR was registered on 29.01.2019 and

the medical of the prosecutrix was conducted on 30.01.2019. The Doctor Poonam Gaur, B.K. Hospital,, Faridabad, has opined that in her opinion the possibility of attempt of sexual assault cannot be ruled out.

In view of above, this Court finds that when the matter is still under investigation and there is no conclusive report about the commission of rape, the prayer made by the petitioner cannot outrightly be accepted.

The allegation that the prosecutrix is being threatened by the accused, the petitioner may approach the concerned police authorities for such grievance, if any.

Accordingly, present petition is hereby dismissed.

(HARI PAL VERMA)
JUDGE

26.02.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.