

CRM-M-29366-2018

Date of decision: March 06, 2019

Sayada and another

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWANPresent: Ms. Shelja Sharma, Advocate
for the petitioners.

Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Snehbaz Thind, Advocate
for respondents No.4 and 5.Mr. M.D. Khan, Advocate
for respondent No.6.**ARVIND SINGH SANGWAN J.** (Oral)

In pursuance of order dated 31.8.2018, it is stated on behalf of respondents No.4 to 6 that petitioner No.2 Aarif is already married and he has two children and the first wife has filed a complaint against him. Thereafter, on 17.9.2018, the following order was passed :-

“Learned counsel for respondents submits that petitioner No.2 Aarif is involved in FIR No.55 dated 20.6.2018 under Section 6 of the Protection of Children From Sexual Offence Act, 2012 (for short, ‘POCSO Act’), read with Section 506 IPC registered at Women Police Station, Mewat District Nuh and in FIR No.150 dated 14.7.2018 under Sections 363 and 366-A IPC, registered at Police Station Nagina, District Nuh. It is further stated that petitioner No.1 herself has got the FIR No.55 dated 20.6.2018 registered and her mother got another FIR No.150 dated 14.7.2018 registered against petitioner No.2.

Though on the last date of hearing, it was directed that petitioners shall remain present in the Court, learned counsel for the petitioners submits that petitioner No.1 is carrying pregnancy of two months, therefore, she is unable to come. However, considering the fact that petitioner No.2 is not present in the Court and is an accused in two FIRs, as noticed above, no ground for providing any protection to petitioner No.2 is made out and the present petition qua petitioner No.2 stands dismissed.

In the meantime, Superintendent of Police, Mewat/Palwal-respondents No.2 and 3, are directed to look into the grievances of petitioner No.1. It is also directed that statement of petitioner No.1 be again recorded before the Judicial Magistrate 1st Class, in the presence of respondents No.5 and 6 after holding a due counselling by a lady counsellor.”

Again on 25.10.2018, the following order was passed:-

“Learned State counsel has placed on record a photocopy of the statement dated 10.10.2018 recorded by the Judicial Magistrate 1st Class, Nuh/Mewat, in which petitioner No.1 has stated that she wants to stay with her husband i.e. petitioner No.2. The Judicial Magistrate 1st Class, Nuh/Mewat has also certified that she has explained to petitioner No.1 that she is not bound to make any statement and if she makes any statement, it may be used as evidence against her.

A perusal of the aforesaid statement shows that the same was recorded in presence of ASI Saroj and in presence of respondents No.5 and 6, i.e. Irshad and Islam, who also put their thumb impressions before the Magistrate.

List again on 6.3.2019.

In the meantime, Ashok Kumar-Investigating Officer, Police Station Hansanpur, is directed to arrange a meeting of respondents No.5 and 6 with petitioner No.1 on 20.12.2018.

Interim directions granted to petitioner No.1 vide order dated 17.9.2018 shall continue.”

In this order, the Incharge, Police Station Hasanpur was directed to arrange a meeting of respondents No.5 and 6 with petitioner No.1 on 20.12.2018.

Learned counsel appearing for respondent No.6, on instructions submits that the police has not arranged the meeting of respondents No.5 and 6 with the petitioner No.1 and as they want to know the well being of the petitioner No.1.

The Superintendent of Police, Mewat/Palwal is directed to look into the grievances of respondents No.5 and 6 as and when an application is moved by them, and to arrange their meeting with petitioner No.1.

With the abovesaid observation, the present petition stands disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

March 06, 2019
satish

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No