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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(CRL) 3727/2018

ANAM ..... Petitioner

Represented by: Mr. Sushil Kr. Jain, Adv.

versus

STATE & ORS.

..... Respondent

Represented by: Mr. R.S. Kundu, ASC with Mr. Bhagat Singh, Adv. with SI Satish Kumar PS Sarita Vihar.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

% 15.03.2019

By this petition the petitioner seeks directions to get her statement under Section 164 Cr.P.C. re-recorded.

The facts of the case are that FIR No. 335/2018 was registered at PS Sarita Vihar under Section 363 IPC on the complaint of father of the petitioner. Subsequently, the petitioner reached the Police Station on 24th October, 2018 and stated that she left the house on 11th October, 2018 and was very scared that her father may not scold her. Statement of the girl was recorded under Section 164 Cr.P.C. and was medically examined at AIIMS Hospital when the petitioner and her parents denied internal examination. Thereafter on 25th October, 2018 statement of the petitioner was recorded under Section 164 Cr.P.C. wherein she stated that she left her home

as her father did not love her and stopped her education. She stated that nobody had kidnapped or enticed her. Based on these statements a cancellation report has already been prepared and filed before the Court of competent jurisdiction on 28th November, 2018 and the next date before the learned Trial Court is 22nd May, 2019.

Since the petitioner and her guardian who are present in Court have the remedy of filing a protest petition, they would be at liberty to file a protest petition before the learned Metropolitan Magistrate and no directions are required to be issued by this Court for re-recording of the statement of the petitioner under Section 164 Cr.P.C.

Petition is dismissed.

MUKTA GUPTA, J.

MARCH 15, 2019
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