

In virtual Court

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-4140-2020 (O&M)
Date of decision: 10.07.2020

Abdul Rashid and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shokeen Singh Verma, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondents No.2 & 3 to provide protection to lives and liberty of the petitioners at the hands of respondents No.4 to 19. It is also prayed that remedial action on FIR No.256 dated 04.06.2020 under Sections 323, 326, 365, 377, 506, 120-B IPC, at Police Station Nuh, District Nuh, registered against the private respondents, be taken.

Learned counsel for the petitioners submits that petitioner No.2-Mohd. Akram and Aarifa, who is presently lodged in Nari Niketan, Karnal, are of marriageable age and wanted to perform love marriage. It is further submitted that family of Aarifa i.e. private respondents do not

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approve the same and when petitioner No.2- Mohd. Akram and Aarifa ran away and went to Hyderabad, on way back, petitioner No.2 was picked up by the private respondents and he was given inhuman treatment, for which an FIR was registered on account of unnatural sexual assault with him. In the meantime, by putting pressure on Aarifa, FIR No.26 dated 04.06.2020 under Sections 363, 365, 376-D, 506, 120-B IPC was registered at Women Police Station Nuh, District Nuh.

Learned counsel for the petitioners further submits that after Aarifa was produced before the Duty Magistrate, she made a statement under Section 164 Cr.P.C. that on 28.05.2020, she had gone voluntarily with Mohd. Akram-petitioner No.2 to Hyderabad and nobody has committed any wrong with her. Again her statement was recorded before the Judicial Magistrate 1st Class on 15.06.2020, wherein she stated that she was sent to Nari Niketan by order of the Court and she does not want to stay in Nari Niketan and even does not want to go to her parental home because she has apprehension of death and she wants to live with petitioner No.2-Mohd. Akram. It is further submitted that Aarifa is still lodged in Nari Niketan, Karnal and wants to accompany petitioner No.2.

Learned State counsel has filed reply by way of affidavit of Deputy Superintendent of Police, HQ, Nuh, on behalf of respondents No.1 to 3, wherein it is stated that after registration of FIR No.26 against the petitioners, victim was medico-legally examined and her statement was recorded under Section 164 Cr.P.C., as noticed above. It is further stated in

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the affidavit that Aarifa has stated that she does not want to go to her parental home and wants to reside with Mohd. Akram-petitioner No.2. It is also stated in the affidavit that based upon the statement of Aarifa, the police has prepared an untraced report and the same will be submitted to the Illaqa Magistrate after approval by the higher police authorities.

After hearing learned counsel for the parties and considering the statement made by Aarifa under Section 164 Cr.P.C and affidavit of the DSP, HQ, Nuh, wherein, based upon such statement, the police is contemplating to file an untraced report subject to approval by the higher police authorities, this petition is disposed of with the following directions:-

- (a) Incharge, Nari Niketan, Karnal will again produce Aarifa before the Chief Judicial Magistrate, Karnal for recording her statement, if she wants to go with her parents or wants to accompany petitioner No.2-Mohd. Akram.*
- (b) The Chief Judicial Magistrate, Karnal will record his satisfaction that the statement of Aarifa is not made with any pressure. In case, Aarifa still makes a statement that she wants to accompany petitioner No.2, she will be released from Nari Niketan, Karnal to accompany petitioner No.2- Mohd. Akram.*

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

10.07.2020
vishnu

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