

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

CRM-M-32122-2020 (O&M)

Date of decision: 29.10.2020

Manu Deen

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Brijesh Nandan, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. with following substantive prayers:-

“It is respectfully prayed that present petition may kindly be allowed and for issuance of appropriate directions to respondent No.2 and 3 to transfer the investigation proper and fair investigation in Runaway Couple Marriage as petitioner has already placed on record copy of Adhaar Card 623383048599 as per the daughter namely “SABO” is minor aged 16 years to some other senior police officer of the rank of IPS as the petitioner is not expecting fair and impartial investigation at the hands of present investigating officers/agency; OR in the alternative present the status fresh status report on the representation (Annexure P-3) conducted so far before this Hon'ble Court, in the interest of justice, equity and fair play;

Further prayer to issue directions to respondent No.3 and 4 to register an FIR under Section 363, 366-A alongwith Section 376 and 120-B of IPC/Sections of

POCSO Act, 2012 and under Section 10 and 11 of Prohibition of Child Marriage Act, 2006 against respondent No.5 to 12.

It is further respectfully prayed to declare marriage by respondent No.5 performed with minor daughter of petitioner namely "SABO" null and void, as per law laid down in CRWP 6912 of 2020 titled "Sukhwinder Singh and another versus State of Punjab and others," in the interest of justice."

On notice, Ms. Samina Dhir, DAG, Punjab on instructions from ASI Manjit Singh, has stated that Ms. Sabo, the petitioner's daughter, was produced before the Judicial Magistrate and her statement under Section 164 Cr.P.C. has been recorded wherein she has stated that she has gone on her own and she was not kidnapped by anyone. Keeping in view the fact that she was alleged to be minor and did not wish to stay with her parents, therefore, sent to Nari Niketan.

Since, the Judicial Magistrate is already seized of the matter, therefore, it would be more appropriate for the petitioner to file a petition before the Magistrate or any other competent court for grant of necessary relief. Hence, the petitioner is relegated to the alternative remedy.

Accordingly, the present petition is disposed of.

29.10.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**