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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.5101 of 2021 (O&M)

Date of decision: 04.06.2021

Tofiq Ali and another

....Petitioners

Versus

State of Haryana and others

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Saleem Ahmed, Advocate
for Mr. Nirmal Singh, Advocate for the petitioners.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Afzal Hussain, Advocate for respondent No.4.

Mr. Munfaid Khan, Advocate for respondent No.7.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this writ petition is for issuance of directions to the officials respondents to protect the life and liberty of the petitioners at the instance of the private respondents.

Counsel for the petitioners has argued that petitioner No.1 Tofiq Ali is aged about 20 years whereas petitioner No.2 – Sanjum daughter of respondent No.4 – Rustam Sahrawat is aged about 16½ years.

Counsel for the petitioners has further submitted that the petitioners have performed the marriage and have given a representation to the Superintendent of Police, Nuh, but no action has been taken so far.

Counsel for respondent No.4 as well as respondent No.7 have opposed the prayer on the ground that respondent No.4 being the

CASE HEARD THROUGH VIDEO CONFERENCING

father of petitioner No.2 has already registered the FIR No.209 dated 24.05.2021 registered under Sections 363/366-A IPC at Police Station Sadar Nuh, District Nuh, as his daughter i.e. petitioner No.2 is minor aged about 15 years and she has been enticed away by petitioner No.1.

Counsel for respondent No.7 has also made similar arguments and pointed out certain defects in the marriage certificate as well as the representation given to the police and the age of petitioner No.2 given in the marriage certificate and in the petition.

Counsel for the State has also opposed the prayer on the ground that since FIR has been registered against petitioner No.1, the police is going to take action, in accordance with law as petitioner No.2, daughter of respondent No.4 is aged about 16 years.

After hearing the counsel for the parties and considering the fact that respondent No.4, father of petitioner No.2 has already set the criminal law of motion by registering an FIR that his minor daughter has been abducted by petitioner No.1 and apparently, the present petition has been filed just to create a defence by petitioner No.1 in order to evade his criminal liability in the FIR, thus, I find no merit in the present petition, at this stage.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

04.06.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No