

116.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-36098-2021

Date of Decision: 03.09.2021

(Heard through VC)

DUDDAR SINGH

.... Petitioner

Versus

STATE OF PUNJAB & ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pankaj Garg, Advocate,
for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 482 Cr.P.C. seeking direction to official respondents No.2 and 3 to register an FIR against the private respondents No.5 and 6.

In brief the facts, as alleged are, that the petitioner received a phone call from respondent No.7-Ramanpreet Kaur requesting for her safety at the hands of respondents No.5 and 6, who are none other than her parents. It was informed that she was subjected to torture every day and wanted to commit suicide. The petitioner thereafter approached respondent No.3-SHO, Police Station Mahilpur, Hoshiarpur, to take action against respondents No.5 and 6 and protect the life and liberty of respondent No.7 (who is minor).

Thereafter, the petitioner approached respondent No.2-S.S.P., Hoshiarpur, by a representation dated 27.08.2021 and till date, no action has been taken thereon, which has resulted in the instant petition being filed.

Apart from that it is alleged that respondent No.7 has already filed a complaint against respondent No.5 and other family members for protection before the Sessions Court, Hoshiarpur, in which proceedings by an order dated 19.08.2020, the SHO, Police Station Garhshankar, was directed to produce respondent No.7 before the Child Welfare Committee, Hoshiarpur and thereafter, she was sent to Gandhi Vanita Ashram. Learned counsel contends that respondent No.7 is now in the custody of respondents No.5 and 6. He would further contend that in terms of the judgment rendered in **Lalita Kumari Versus Government of U.P. and others, (2008) 7 SCC 164**, respondents are bound to register an FIR against the accused.

Notice of motion to respondents No.1 to 3 only at this stage.

Mr. A.S. Gill, Senior DAG, Punjab, has put in appearance on behalf of respondents No.1 to 3-State. He would submit that there is an FIR No.125, dated 11.08.2019, under Sections 363, 366 IPC, Police Station Garhshankar, Hoshiarpur, which is pending and the same stands committed to learned District & Sessions Judge, Hoshiarpur against the petitioner herein.

I have heard learned counsel for the parties.

Respondent No.7 had been sent to appear before the Child Welfare Committee, Hoshiarpur and it appears that she is now in the custody of her own parents. The petitioner herein, who is facing proceedings under FIR No.125, dated 11.08.2019, under Sections 363, 366 IPC, Police Station

Garshankar, Hoshiarpur, would definitely has no locus to file the instant petition seeking the official respondents to provide protection to the minor and, therefore, this petition is devoid of any merits and it is, accordingly, dismissed.

Needless to say that in case the minor is still fearing a threat at the hands of her parents, she would always be at liberty to file a petition herself before this Court itself or to approach the Child Welfare Committee.

(JAISHREE THAKUR)
JUDGE

03.09.2021

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No