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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-2609-2022
Date of Decision:30.08.2022

Sombir and another

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Balraj Gujjar, Advocate, for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking issuance of direction to respondent Nos. 1 to 3 to protect the life and liberty of the petitioners since they are living in live-in-relationship.

The learned counsel for the petitioners has submitted that at the time of filing of the present petition the petitioner No.2-girl was 17 years and 6 months and was minor. He further submitted that thereafter on the directions of this Court the petitioner No.2-girl was produced before the Illaqa Magistrate where she stated that she had gone with petitioner No.1 with her own consent and then she was sent to her parents. He further submitted that thereafter an FIR was registered against petitioner No.1 and so far as petitioner No.2 is concerned, she is not living with petitioner No.1.

He further submitted that a false FIR was lodged against petitioner No.1 despite the fact that the girl who is petitioner No.2 has stated before the learned Magistrate that she has gone with the petitioner No.1 with her own consent.

On the other hand, learned Deputy Advocate General, Haryana has submitted that an affidavit has been filed by the Superintendent of Police, Bhiwani and while referring to the same, he submitted that after the directions were issued by this Court, counsel for petitioner No.2 had appeared before the Superintendent of Police, Bhiwani and thereafter, the girl was also traced with the local counsel and a lady police official was also deputed in this regard. Thereafter, the statement of the girl (petitioner No.2) was recorded before the learned Illaqa Magistrate under Section 164 Cr.P.C which has been reproduced in para No.3 of the reply. He submitted that as per the statement, she has stated that she had gone alongwith petitioner No.1 out of her own wish and does not want to take any action against him and when a question was put to her as to where she wants to go now, then she stated that she wants to go with her parents. He further submitted that thereafter the girl (Petitioner No.2) was sent to her parents and now she is residing with them. He further submitted that so far as petitioner No.1 is concerned, an FIR has been lodged against him under Sections 346, 363, 366-A, 376(2)(n), 506 IPC and Section 6 of POCSO Act and the matter is still under investigation. He submitted that in view of the aforesaid position, there is no threat to the lives of the petitioners and therefore, nothing survives in the present petition.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court the petitioner

No.2 was produced before the learned Illaqa Magistrate and her statement under Section 164 Cr.P.C was recorded wherein she stated that she wanted to go with her parents and she has now been sent to her parents. As per the learned counsel for the parties, the petitioner No.2 will attain the age of majority of 18 years on 15.09.2022 and is about two weeks short of attaining the age of majority. So far as the argument raised by the learned counsel for the petitioner that a false FIR has been lodged against petitioner No.1 despite the fact that the girl had made a statement before the learned Illaqa Magistrate that she had gone with petitioner No.1 with her own consent is concerned, the same is not a subject matter of the present petition. Petitioner No.1 may have any other remedy available to him in accordance with law with regard to the registration of the aforesaid FIR. He can always invoke the remedy which is otherwise available to him in accordance with law and this Court does not wish to make any observation with regard to the aforesaid FIR. So far as the subject matter of the present petition is concerned, as per the learned State counsel there is no threat to the lives of the petitioners and therefore, nothing survives in the present petition.

Consequently, the present petition is dismissed.

30.08.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No