

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

CRM-M-40170-2022

Date of decision: 05.09.2022

SEHAJPAL SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ranjit Singh Sidhu, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

The present petition has been filed by the petitioner for quashing of impugned order dated 03.03.2022 passed by Judicial Magistrate 1st Class, Dera Bassi, District Mohali in FIR No.24 dated 12.01.2022 under Sections 363, 366 of IPC and Sections 376, 120-B, 465, 467 and 471 of IPC and Section 6 POCSO Act added later on, registered at Police Station Zirakpur, District Mohali vide which the wife of the petitioner was sent to Nari Niketan, Jalandhar..

Learned counsel for the petitioner has submitted that the petitioner is duly married with the prosecutrix who is in the family way. Learned Magistrate has wrongly passed order dated 03.03.2022 sending the wife of the petitioner to Nari Niketan, Jalandhar. The present case has been lodged by the father of the prosecutrix who was not happy with the relationship of petitioner and the prosecutrix. In her statement recorded under Section 164 Cr.P.C. the prosecutrix has not supported the case of prosecution. Rather she has stated that her parents wanted to marry her forcibly with a boy namely Irfan and she did not want to marry him.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent-State.

Heard.

After perusing the record, it is apparent that the learned Judicial Magistrate 1st Class, Dera Bassi has passed the impugned order dated 03.03.2022 after taking into consideration the relevant material and the statement of prosecutrix herself. It is also mentioned in the order that the prosecutrix herself stated in her statement that she is not safe with her parents or relatives and she be sent to Nari Niketan.

I do not find any infirmity or illegality in the order passed by the learned Magistrate 1st Class, Dera Bassi.

The petition is disposed of accordingly with liberty to the petitioner to avail his remedies in accordance with law.

However the State is directed to ensure the safety of the prosecutrix.

05.09.2022
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(RAJESH BHARDWAJ)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>