

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

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CRWP-389-2023

Decided on : 23.01.2023

Mani Kumar and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amandeep Singh Gulati, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Mr. Amit Dhawan, Advocate, puts in appearance on behalf of respondents No.4 to 7, and files his Vakalatnama in Court today. Same is taken on record, subject to all just exceptions.

2. Order dated 16.01.2023 (which was wrongly typed as 15.01.2023), says as under:-

“By way of filing this petition, the petitioners seek necessary protection of their lives and personal liberty in view of the fact that they are in a live-in relationship and are under eminent threats at the hands of respondents No. 4 to 7.

Learned counsel for the petitioners submits that petitioner No. 2-Boomika, aged 16 years, has forced living in a company of petitioner No. 1-Mani Kumar because private respondents i.e. her parents and other family members have forcibly performed her Roka ceremony on 28.12.2022 with somebody else.

Notice of motion for 23.01.2023.

On asking of the Court, Mr. Anmol Singh Sandhu, AAG, Punjab, accepts notice on behalf of respondents No. 1 to 3 (State).

Let respondents No. 4 to 7 be informed about the next date of hearing before this Court through respondent No. 3-SHO, Police Station Division No. 8, Jalandhar, District Jalandhar, Punjab.

Official respondent may also choose to file response (if any) on or before the next date of hearing.”

3. Today, learned State counsel as well as counsel appearing for respondents No.4 to 7, inform to this Court that never any Roka ceremony of

petitioner No.2 with anyone was arranged by private respondents No.4 to 7. However, by preparing a concocted story, present petition has been filed by the petitioners before this Court.

4. Counsel for respondents No.4 to 7 also informs this Court that against petitioner No.1, already a case bearing FIR No.0003, dated 11.01.2023, under Sections 363, 366-A of IPC, has been registered at Police Station Division 3, District Police Commissioner Jalandhar, and same is under investigation. Thus, present petition is not maintainable.

In support of his contention, he has supplied the copy of the FIR No.0003, dated 11.01.2023, in Court, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place in case file.

5. Learned State counsel submits that since petitioner No.2 is a minor of the age of 16 years, once she is recovered, immediately her statement under Section 164 Cr.P.C. would be recorded.

6. In view of the fact that at the time of filing present petition, petitioner was an accused in the criminal case (supra), therefore, he is required to cooperate in the investigation to be conducted by the police.

Accordingly, present petition is not maintainable and stands dismissed.

(SANJAY VASHISTH)
JUDGE

January 23, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No