

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

256

CRWP-2440-2023 (O&M)

Date of order: 25.07.2023

Sheokat Ali

.....Petitioner(s)

Vs.

State of Haryana& Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajiv Sharma, Advocate
for the petitioner.

Ms. Deep Shikha Chauhan, AAG Haryana.

Nidhi Gupta, J.

Present petition under Article 226 of the Constitution of India is filed for a direction to the respondents No.1 to 4 to hand over investigation of the case to CBI to investigate the case registered vide FIR No.7 dated 12.01.2023 under Section 346 IPC at Police Station Khedki Daula, District Gurugram (Annexure P1), and for a direction to respondents No.1 to 4 to protect life and liberty of the petitioner and his family members.

2. Learned counsel for the petitioner submits that the elder daughter of the petitioner aged 15 years went missing from their house on 04.11.2022. As the petitioner was unable to locate his daughter, he submitted complaint to the police which was registered vide abovesaid FIRNo.7 dated 12.01.2023 under Section 346 IPC at Police Station Khedki Daula, District Gurugram (Annexure P1). Thereafter, despite the fact that the petitioner approached various authorities, his daughter still remained

untraceable. As such, the petitioner was left with no alternative but to approach this Court by way of the present petition.

3. Vide order dated 19.05.2023 this Court directed the Commissioner of Police, Gurugram to look into the matter and file affidavit. In compliance thereof, affidavit dated 18.07.2023 of the Commissioner of Police, Gurugram has been filed. Relevant extract of the said, reply/affidavit, reads as follows:

“8. That thereafter, on the basis of secret information, it came forth that the prosecutrix as well as Deepak Singh are in Nepal. The Investigating Officer visited Nepal and sought the assistance of Nepal Police. The prosecutrix was recovered on 26.06.2023 and she was handed over by the Nepal Police to the Gurugram Police.

9. That after reaching P.S. Kherki Daula, Gurugram on 27.06.2023, the investigation was entrusted to Lady P/SI Kamalesh. She recorded the statements of prosecutrix and her mother Afsana and father Sheokat Ali. The prosecutrix was got medico-legally examined from G.H. Sector-10, Gurugram on 27.06.2023.

10. That on 28.06.2023, the statement u/s 164 Cr.P.C. of the prosecutrix was got recorded before the Ld. JMFC, Gurugram, wherein she stated that Deepak is known to her for the last one year and she wants to marry him. Her family members were unhappy with this, due to which she accompanied Deepak and went to Nepal. Deepak has not done any wrong act with her.

11. That the counseling of the prosecutrix was got conducted before the DLSA where she stated that she went to Nepal with Deepak and he did not do any wrong act with her. She reiterated the same facts in the counseling conducted by the

CWC. Thereafter, she was handed over to her parents vide handing over memo.”

4. Learned State Counsel on instructions from ASI Paramvir submits that the accused is still in Nepal and the police are making all efforts to arrest him. Learned counsel further submits that the girl was brought from Nepal and has been handed over to the petitioner.
5. Learned counsel for the petitioner is unable to dispute the above facts, and submits that in view of the same, the present petition has been rendered infructuous and may be disposed of as such.
6. Ordered accordingly.
7. Pending application(s) if any also stand(s) disposed of.

25.07.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No