

In the High Court of Punjab and Haryana at Chandigarh

2023 : PHHC : 063402

202

CRM-M-14092 of 2019

Date of Decision: 03.05.2023

Sulekha @ Surekha

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vikram Punia, Advocate
for the petitioner

Ms. Dimple Jain, DAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through the instant petition under Section 482 Cr.P.C. is seeking partial modification of judgment dated 01.02.2019 whereby Additional Sessions Judge, Fast Track Court, Sonapat, while acquitting accused has issued direction to Chief Judicial Magistrate, Sonapat to take an appropriate action against the prosecutrix-petitioner herein.

2. Status report by way of affidavit dated 01.05.2023 of Vipin Kadian, Assistant Commissioner of Police, Rai, Sonapat, on behalf of respondent-State is taken on record. Registry is directed to tag the same at an appropriate place.

3. Brief facts of the case are that uncle of the petitioner lodged FIR No. 188 dated 14.04.2018 against Akshay son of Suresh Kumar alleging commission of offence punishable under Sections

363, 366 and 376 IPC and Section 6 of POCSO Act at Police Station, District Sonapat. The police after completing investigation filed its report under Section 173 Cr.P.C. Charges came to be framed and trial proceeded against Akshay. During the course of trial, the petitioner was examined and cross examined. She did not support case of the prosecution and made correct statement. She specifically brought into notice of the Court that she has solemnized marriage with Akshay. On the basis of evidence led by prosecution, the trial court came to a conclusion that prosecution has failed to prove its case, thus, accused Akshay was acquitted. The trial court while passing judgment of acquittal directed learned Chief Judicial Magistrate, Sonapat, to initiate appropriate proceedings against the petitioner-prosecutrix as she has turned hostile.

4. Learned counsel for the petitioner inter alia contends that petitioner was not author of aforesaid FIR and she has solemnized marriage with Akshay during the pendency of trial. Now she is blessed with two children. The petitioner made true disclosure that she had left at her own accord with Akshay and she has solemnized marriage with him.

5. Learned State counsel pointing out status report submitted that it is factually correct that during the pendency of trial, the petitioner solemnized marriage with Akshay and at present she is blessed with two children. It is also correct that petitioner at present is staying with her husband and two children.

6. Keeping in view the fact that petitioner has solemnized marriage with Akshay, they are blessed with two children and at present the petitioner is staying with her husband and children, it would be in the interest of justice and fitness of things if impugned judgment qua direction to Chief Judicial Magistrate, Sonapat to take appropriate action against the petitioner, is set aside.

7. In view of the above, the petitioner is allowed and the impugned order is set aside/modified to the aforesaid extent.

(JAGMOHAN BANSAL)

JUDGE

03.05.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No