

Sr. No.117

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6397-2024

Date of decision: 12th March, 2024

SONIA

.....Petitioner

versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

None for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed by the petitioner under Section 482 Cr.P.C. is for issuance of directions to respondents No.1 to 3 to conduct fair and impartial investigation of case FIR No.250 dated 08.12.2023, under Sections 363, 366 of IPC, 1860, registered at Police Station Navi Baradari, District Police Commissionerate, Jalandhar (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner had moved a Representation dated 20.01.2024 (Annexure P-8) specifically contending that the applicant, who is the mother of the minor victim, has approached the police authorities for re-recording of the statement of the victim, as earlier, when the minor victim was recovered from the custody of the accused, she was under the influence of intoxicants and her statement under Section 164 Cr.P.C. was not properly recorded. Despite that, no action has been taken by the official respondents. It is further contended that the petitioner herself moved an application before the Area Magistrate by engaging a private counsel, for

re-recording of the statement of the victim under Section 164 Cr.P.C. However, the said application was dismissed only on the ground that the said powers can be exercised only when the application is moved through the Investigating Agency.

3. Learned State counsel, on instructions from ASI Balwinder Singh, has informed that the main accused/respondent No.4 has already been arrested and released on regular bail and the Representation (Annexure P-8) is being looked into. Learned State counsel further undertakes that the Investigating Officer shall approach the Magistrate for re-recording of the statement of the victim under Section 164 Cr.P.C. and Representation dated 20.01.2024 (Annexure P-8) would be disposed of within a period of 04 weeks from today.

4. In view of the aforesaid undertaking by the learned State counsel, the present petition stands disposed of.

5. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

12th March, 2024

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