

2024:PHHC:058228
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-7268-2024 (O&M)
Date of Decision: 29.04.2024

MUSKAN

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN , J.

1. Prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 21.07.2022 passed by the Judicial Magistrate 1st Class, Amritsar (Annexure P-2), whereby the application filed by the mother of the petitioner for recording fresh statement of the petitioner under Section 164 Cr.P.C. was declined in FIR No.71 dated 01.05.2022 under Sections 363, 366 IPC registered at Police Station Majitha Road, District Police Commissionare Amritsar.
2. Learned counsel for the petitioner *inter alia* contends that the statement of the prosecutrix under section 164 Cr.P.C. was recorded on 14.05.2022, however the said statement was recorded when the prosecutrix was under tremendous pressure and threatened by the accused and also under the pressure of the police. Thereafter, the mother of the petitioner moved an application before the Judicial Magistrate 1st Class, Amritsar for recording of fresh statement of the prosecutrix, however the same was declined. He further contends that even the police is not conducting proper and fair investigation.

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3. Notice of motion.
4. On the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of the respondent-State.
5. Learned State counsel on instructions from ASI Bharat Bhushan has informed that supplementary statement of the prosecutrix under Section 164 Cr.P.C has been recorded on 27.04.2024, whereby she has stated that she wants to get her medical examination done and in pursuance to the said statement medical examination of the prosecutrix has been conducted. Copy of the said statement has been submitted in the Court today, which is taken on record.
6. Learned State counsel has further informed that investigation will be carried out as per law in compliance of the supplementary statement of the prosecutrix dated 27.04.2024 and on the basis of the report in the medical examination.
7. In view of the above circumstances, learned counsel for the petitioner submits that the present petition may be disposed of accordingly.
8. As such, the present petition is disposed of.
9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

29.04.2024
P.Bhatt

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