



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-26961-2024 (O&M)

Date of Decision: 09.08.2024

Seema Devi

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Yash Dev Kaushik, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. Arjun Dhingra, Advocate for respondent No.4.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for directing respondents No. 1 to 3 to take legal action against respondent No.4 on complaint dated 30.04.2024 (Annexure P-4) submitted by the petitioner to respondents No. 2 and 3 in a fair and transparent manner.

On the last date of hearing i.e. 27.05.2024, following order was passed by a Coordinate Bench of this Court:-

“The petitioner has filed this petition seeking action against respondent no.4 and for conducting a fair and transparent inquiry into the complaint as alleged against the private respondent no.4. It is submitted by the learned counsel for the petitioner that the petitioner had filed a complaint before the respondent no.2 making allegations against respondent no.4 of kidnapping her minor daughter and inducing her on the pretext of performing marriage with her and further committing rape upon her. Instead of taking



any action against respondent no.4, the respondent no.3 in connivance with the private respondents procured the thumb impression/signature of the petitioner on blank paper and the same has been utilized for showing that she does not want to take any legal action against private respondent no.4. It is submitted that by misutilizing these documents the official respondents have committed illegality and complaint filed by her has not been properly investigated.

At this stage, vakalatnama on behalf of respondent no.4 has been filed. Learned counsel has placed on record a copy of school leaving certificate of the daughter of the petitioner that her date of birth is 30.07.2005 and has submitted that she was major at the time of alleged incident and has voluntarily accompanied the respondent no.4 and has performed marriage with her. It is also submitted by him that both of them are living a happy and peaceful life. Keeping in view the submissions so made, the petitioner as well as respondent no.4 and the daughter of the petitioner are directed to appear in person before this Court on 09.08.2024.

On the adjourned date of hearing, official respondents no.1 to 3 shall also file a reply giving details of the manner in which signature/thumb impression of the petitioner were obtained and to show as to whether the same were obtained on blank paper or she had made a voluntarily statement.”

The petitioner before this Court is the mother of the alleged victim. It is the contention of the petitioner that her daughter has been allured, kidnapped and abducted by respondent No.4 herein.

It is vehemently submitted by learned counsel for the petitioner that the victim at the time of abduction, was a minor and was illegally abducted by respondent No. 4.

Learned counsel for respondent No. 4 counters submissions made on behalf of the petitioner and submits that the daughter of the petitioner has solemnized marriage with the respondent No.4 on



12.04.2024 on which date she was major. The daughter of the petitioner is present in Court and does not dispute the above said fact.

Learned counsel for the State has pointed out that vide order dated 26.04.2024 passed by learned Sessions Judge, Faridabad (Annexure P-3), a protection petition filed by respondent No. 4 and the daughter of the petitioner has been withdrawn by them in pursuance of statements made by the complainant/petitioner herein and the husband of the complainant/petitioner to the effect that they have no objection to the marriage of respondent No. 4 and daughter of the petitioner. It is further pointed out that representation dated 30.04.2024 (Annexure P-4) has been filed by the petitioner to the Commissioner of Police, Sector 21-C (Faridabad) after withdrawal of the protection petition by respondent No. 4 and the daughter of the petitioner.

Learned counsel for the petitioner vehemently opposes the submissions made on behalf of the respondent-State assisted by learned counsel for respondent No. 4 and submits that the said statements as recorded in order dated 26.04.2024 (Annexure P-3) were made by the petitioner and her husband upon threat from the concerned police official.

It is again submitted by learned counsel for respondent No.4 that the victim at the time of abduction was major as is evident from Aadhar Card (Annexure P-1).

In view of the facts as noticed above, no further directions are required to be issued in the matter; and the present petition stands dismissed.



Pending application, if any, stands disposed of.

09.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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