

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.252

CRM-M-31202-2024(O&M)

Reserved on 31.07.2024

Date of decision : 05.08.2024

Narinder Kumar

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sukhvir Singh Sahu, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J.

This petition under Section 482 Cr.P.C. has been filed for issuing directions to respondent No.4 to take action against respondent No.5 and Investigating Officer of case FIR No.162 dated 16.04.2024, under Section 346 IPC, registered at Police Station Sadar Dabwali, District Sirsa.

2. The facts in brief are that the marriage of the petitioner and the prosecutrix was solemnized on 18.02.2022. Allegedly, the accused Ankit was harassing the prosecutrix for developing physical relationship. It is further alleged that on 16.04.2024, the accused Ankit along with co-accused Somveer forcibly took the prosecutrix to Firozpur, Punjab and kept her in a railway quarter belonging to the co-accused Somveer where the accused Ankit had been committing rape upon her and the accused Somveer had acted in connivance with accused Ankit.

3. The petitioner got registered the FIR No.162 dated 16.04.2024 under Section 346 IPC stating that during the intervening night of 15/16.04.2024, while the petitioner was sleeping, the prosecutrix went missing and resultantly the petitioner got registered the FIR in question. The

police nabbed the accused persons on 04.06.2024 and the prosecutrix was produced before the JMIC Dabwali for recording her statement where she stated that she went with the accused persons on her own free will.

4. The petitioner has levelled allegations against the police officials, namely Head Constable Gurjeet Singh on the account that he had threatened and pressurized the prosecutrix to get her statement recorded in favour of the accused persons and later forced the prosecutrix to accompany the accused persons who subsequently took her back to Firozpur. It is also alleged that police did not get her statement recorded under Section 164 Cr.P.C. and also did not get her medically examined.

5. In compliance to the order dated 15.07.2024, learned State counsel has filed the reply by way of affidavit of Deputy Superintendent of Police, Dabwali, District Sirsa on behalf of respondents No.1 to 5, which is taken on record. Perusal of the reply reveals that during investigation, efforts were made to trace out the missing wife of the complainant/petitioner. On 04.06.2024, prosecutrix was recovered from the Railway Station, Firozpur, Punjab and statement of the prosecutrix was recorded by a lady legal aid counsel on 04.06.2024 in which she had stated that she had gone with Ankit son of Chhotu Ram resident of Balasar on her own will on 16.04.2024 and she did not wish to reside with her husband (petitioner) and she wanted to live with Ankit and further stated that the FIR that was registered by her husband be cancelled. She also provided the copy of the Aadhar Card and mark sheet of 10th class to show that she is a major at the time of leaving her matrimonial home. Copy of the statement of prosecutrix is annexed as Annexure R-1. It has also mentioned in the reply that on 04.06.2024, the prosecutrix was taken to Sub Divisional Civil Hospital, Dabwali for conducting her medical examination. However, she

gave a written refusal to get her medical examination conducted. After the investigation, the custody of prosecutrix was handed over to Ankit as desired by the prosecutrix on 04.06.2024. On the basis of statement of prosecutrix (Annexure R-1), the cancellation report (Annexure P-1) in case FIR No.162 dated 16.04.2024, under Sections 346 Police Station Sadar Dabwali was prepared on 13.06.2024.

6. Further on 05.07.2024, a separate application Annexure P-2 was received in the Police Station Sadar Dabwali, and on enquiry the allegations levelled were found to be false and copy of the inquiry report is annexed as Annexure R-3.

7. Keeping in view the aforesaid facts and circumstances of the case, it *prima facie* appears that the prosecutrix had willfully left her matrimonial home with Ankit and admittedly refused to get her medical examination conducted, on the basis of which the cancellation report of the FIR in question was prepared. Accordingly, this Court is not inclined to pass any direction against the official respondents.

8. The petition is dismissed.

(KIRTI SINGH)
JUDGE

05.08.2024
Kapil

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