



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-52771-2024 (O&M)
Date of Decision: 23.10.2024

Siraj		 Petitioner
	Versus	
State of Haryana and others		 Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Azad Khan, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

NIDHI GUPTA, J, ORAL.

Prayer in the present 1st petition under Section 528 of BNSS Act of 2023 is that direction may kindly be issued for medically examination of the victim and recording her statement in FIR no. 334 dated 07.09.2024 u/s 137, 3(5) and 96 of Bharatiya Nyaya Sanhita (BNS) 2023, registered at the Police Station Sadar Nuh, District Nuh Haryana.

Learned counsel for the petitioner submits that the petitioner before this Court is the complainant/father of the alleged victim. The victim was about 16 years of age at the time of incident i.e. on 05.09.2024. As per the FIR filed by the petitioner, it has been alleged that accused respondents No.4 and 5 have abducted the minor daughter of the complainant with the intention to marry her. It is prayed by learned counsel for the petitioner that medical examination of the victim be conducted and her statement be recorded.

Learned counsel for the State, on instructions from PSI Sanjeev Kumar, informs this Court that the victim had gone missing on 05.09.2024;



present FIR was registered by the petitioner on 07.09.2024; the victim was recovered on the night of 07.09.2024 from the bus stand Nuh. On 08.09.2024, statement under Section 164 Cr.P.C. of the victim was duly recorded, which has not been placed on record by the petitioner in which she has not supported the prosecution case and has categorically stated that she wants to live with respondent No.4, namely, Naseem. On 08.09.2024 itself, the victim was also taken for her medical examination, however she refused for the same. Respondent No. 4 has been arrested in the matter; whereas upon investigation, respondent No.5 has been found innocent. It is further pointed out that the petitioner had previously filed a similar application with the identical prayer in the present petition before the learned Judicial Magistrate 1st Class, Nuh which has been dismissed vide order dated 27.09.2024 (Annexure P-3).

In view of the facts as noticed above, the present petition is **dismissed** with payment of costs of Rs.20,000/- to be deposited by the petitioner within two weeks from today in the “Poor Patients’ Welfare Fund of the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh.”

Pending application, if any, also stands disposed of.

The applicant shall submit receipt with regard to deposit of aforesaid costs of Rs.20,000/- in the Registry within the stipulated period as above.

23.10.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

**Whether speaking/reasoned Yes/No
Whether Reportable Yes/No**