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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRWP-12191-2024 (O&M)
Date of Decision: 18.12.2024

RYDHEM MEHRA

...Petitioner

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Ravisha Mahajan, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (Oral)

1.
- This criminal writ petition has been filed under Article 226 of the Constitution of India seeking issuance of directions to official respondents to protect the life and liberty of victim daughter of petitioner aged three and half years, at the hands of private respondents No. 12 and 13.
2.
- Learned counsel for the petitioner *inter alia* contends that marriage of petitioner and Manbir Singh-respondent No. 11 was solemnized on 31.12.2018, according to Sikh rites and ceremonies. Out of the said wedlock, one child namely Varnika was born on 03.07.2021. Minor daughter is currently in the custody of Manbir Singh-respondent No. 11 and accused-respondents No. 12 and 13 are close relatives of respondent No. 11 and are also residing in the same house with the minor daughter. It is further contended that on 14.11.2024, the petitioner received a phone call from Smt. Shilpa, who is Co-ordinator in the school, where the minor daughter-Varnika studies and petitioner was asked to reach the school. When the petitioner reached the School along with his brother, Co-ordinator Shilpa took them to the office of the Principal of School-respondent No. 10 namely Rama Kundra, where she called the class teacher of

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petitioner's daughter namely Panya and they told the petitioner that on 13.11.2024, her daughter Varnika has complained to her teacher that she has been sexually abused and they have prepared a video of petitioner's child complaining about sexually assault committed upon her by accused-respondents No. 12 and 13 and Principal had shown the video to the petitioner which was captured in the mobile phone of Smt. Panya. Minor daughter also complained about respondents No. 12 and 13 to sexually assault her at night. Learned counsel has further contended that school authorities are so insensitive that they have given the victim child of sexual abuse to the abusers without bothering to inform the petitioner and the local police or the juvenile police or any other competent authorities and thus the act and conduct of school authorities-respondent No. 10 clearly show that they are harbouring the offenders. On hearing the said news, petitioner immediately went to her daughter's residence, but to her surprise, the house was locked and no one was attending her calls. The petitioner even tried to verify about the whereabouts of her victim-daughter from the neighbourhood, but to no avail. Then she went to the police station and moved a written complaint on which Zero FIR has been registered at Police Station Civil Line, Amritsar against the accused persons. The said Zero FIR was sent to the Police Station Kamboj Amritsar Rural and the fresh FIR No. 232 dated 15.11.2024 was registered under Sections 75 of BNS and Sections 7 and 8 of POCSO Act against the accused persons. More than 25 days have passed, since the minor child of the petitioner is missing. Petitioner has already made a representation dated 25.11.2024 (Annexure P-3) for taking legal action against the private respondents.



3. Learned counsel for the petitioner further submits that the petitioner would be satisfied in case a direction is issued to respondent No.9 to consider and decide the representation dated 25.11.2024 (Annexure P-3) submitted by the petitioner in a time bound manner.
4. Notice of motion to the official respondents only.
5. Mr. Subhash Godara, Addl.A.G., Punjab, puts in appearance and accepts notice on behalf of the official respondents-State and copy of the petition has been supplied in the Court.
6. Keeping in view the prayer made by the petitioner and without commenting anything on the merits of the case, the present petition is disposed of with a direction to respondent No.9 to consider and decide the representation dated 25.11.2024 (Annexure P-3) submitted by the petitioner and take appropriate steps including grant of any protection to the petitioner in view of the apprehension, if any, accordingly, within a period of four weeks from the date of receipt of certified copy of this order, in accordance with law.

18.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>