



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

**CRWP-4716-2025 (O&M)
DECIDED ON: 15.05.2025**

NAJIM AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Khalid Tauru, Advocate for the petitioners.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Afjal Hussain, Advocate for respondents No.5 to 10.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of directions to respondents No.1 to 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 to 10 and not to harass or interfere in the married life of the petitioners.

Learned State counsel submits that the representation dated 04.05.2025 (Annexure P-4) has been duly considered by the concerned authorities and a status report after conducting preliminary inquiry has been filed today in Court by way of an affidavit of Ajaib Singh, HPS, Deputy Superintendent of Police, Ferozepur, Jhirka.

Having gone through the statement attached as Annexure R-3 tendered by petitioner No.2-Mumtaj daughter of Fati aged 19 years would depict as under:-

“Statement of Mumtaz daughter of Fateh Mohd resident of Sakras police station, Firozpur Jhirka, age 19 years mobile no. 8307870008

It stated that I am resident of the aforesaid address. I have studied Urdu and now I used to stay at home. We are 5 sisters and 4 brothers. I am the youngest among the sisters. On 26.11.2024, my mother Zaida took me with her to the police station, Firozpur Jhirka to give a complaint against Nazim son of Sahabuddin resident of Sakras and Junaid son of unknown resident of Tigaon. In the complaint, my mother had mentioned that Nazim son of Sahabuddin resident of Sakras and Junaid son of unknown resident of Tigaon had raped upon me by giving me intoxicants in cold drink. I had told the truth to the police in front of my mother that Nazim and Junaid had not done anything wrong with me. On this, my mother wrote to the police that now we are talking in the brotherhood. I do not want any action to be taken on my complaint. If I have to get any action taken, I will again give a separate application. My application should be disposed off. My mother brought me home with her and from that day onwards, she started pressuring me to give an application against them in the police station. After that my mother made me to give an application in the police station, Ferozepur Jhirka about Nazim and his companions that they were standing on the road on 17.03.2025 and misbehaved and molesting me and forcefully hold my hand and threatened to make my photos viral. On 22.03.2025, I came to the police station, Firozpur Jhirka with my neighbor Zubair and got recorded my statement to the local police. In my statement, I had got recorded that Nazim and his companions were standing on the road and misbehaved, harassed and forcefully holding my hand and threatened

to make the photo viral and after that I came to my house with my neighbor Zubair. My mother threatened me; when she came to know that no action was taken on the application and I went to the house of my maternal uncle Haroon resident Kot, district Palwal. On 03.05.2025, my maternal uncle and aunt forcibly brought me to police station, Firozpur Jhirka to give an application for taking action again against Nazim and other companions and I refused to give the application and my maternal uncle and aunt left me in the police station itself. Due to fear of my family, I was with ASI Sarita in the police station on the night of 03.05.2025. On 04.05.2025, in the evening, I went to the house of Nazim's sister Jamshida resident of Adbar with Nazim, after giving a statement of my own free will that I would not take any action against Nazim and his other companions. I have got recorded my statement, which is correct.”

From the perusal of above, it is evident that petitioner No.2 does not want to pursue any complaint on account of alleged act which is being alleged by her mother alone. The stand taken by the counsel for the petitioner as well as pointed out by Mr. Chetan Sharma, DAG, Haryana from the case file brought by L/SI Sarita which shows that even the mother of petitioner No.2 has given a statement that she does not want to pursue the complaint which was made to the police on 26.11.2024.

In the light of above, no cause of action survives which could warrant interference and indulgence of this Court in the instant petition.

Learned counsel for the respondent No.4 to 10 vehemently contended that petitioner No.2 was subjected to rape by petitioner No.1 and it is only under the influence and pressure of police authorities the present marriage has been solemnized between the parties and the girl seems to be

under the influence and coercion of petitioner No.1 and his other family members.

Be that as it may, as far as the allegations being levelled on behalf of respondents No.4 to 10 is concerned, the aforesaid respondents would be at liberty to take appropriate legal remedies in accordance with law.

Disposed of accordingly.

15.05.2025

Poonam Negi

**(SANDEEP MOUDGIL)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*