



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

235

CWP-16952-2021

Date of Decision : **January 14, 2025**

M

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. C.S.Bakhshi, Advocate for the petitioner.
 Mr. Sahil R. Bakshi, AAG, Punjab.
 Mr. Rishab Tewari, Advocate for respondents No.4 and 5.
 Ms. Anu Malika, Advocate for respondent No.6.
 Mr. Deepak Sabharwal, Advocate for respondent No.7-CBI.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, as cast under Articles 226/227 of the Constitution of India, prayer is made for issuance of mandamus upon the respondents concerned not only to ensure the protection of life and liberty of the petitioner but also for issuance of directions for registration of FIR under Sections 376, 342, 506 IPC against respondents No. 4 and 5.
2. The petitioner claims herself to be a rape victim. There are threefold prayers made in the instant petition. Firstly to ensure the protection of life and liberty of the petitioner, secondly for registration of FIR and thirdly that after registration of FIR, the investigation be transferred to the CBI, considering the status of respondents No.5 and 6 being the influential persons of the area.

3. So far as the first prayer is concerned, as on today, there is no concrete evidence on record, before this Court, to conclude that the petitioner has any eminent danger. However, this Court has no hesitation to pass a mandamus upon the respondent-State, as the State Government is under constitutional obligation to protect the life and liberty of the petitioner, and to ensure that no harm shall be caused to her. So far as the second prayer is concerned, as casted in the instant petition, this Court is of the view that the petitioner has efficacious statutory remedy, which has not been availed by the petitioner by approaching the learned Illaqa Magistrate concerned under Section 156(3) Cr.P.C./175(3) of BNNS. Therefore, *qua* the second prayer, the petitioner is relegated to the learned Illaqa Magistrate concerned for redressal of her grievance.

4. In view of the above, the third prayer for transfer of investigation to CBI, is concerned is infact a pre-mature prayer as no investigation is pending, therefore, the same cannot be granted to the petitioner.

5. Consequently, the instant petition is **disposed** of with above observation.

January 14, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No