

Sumitra Devi Vs. State of Haryana and anr

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Court : Punjab and Haryana

Decided On : May-05-2014

Appellant : Sumitra Devi

Respondent : State of Haryana and anr

Judgement :

Crl.

Misc.

No.M-15032 of 2014 1 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH Crl.

Misc.

No.M-15032 of 2014 Date of decision : 05.05.2014 Sumitra DeviPetitioner versus State of Haryana and Anr ..Respondents CORAM:- HON'BLE Ms.JUSTICE ANITA CHAUDHRY Present: Mr.J.P.Sharma, Advocate for the petitioner.

____ ANITA CHAUDHRY, J.

The petitioner is the complainant in FIR No.64 dated 09.03.2014, registered initially under Section 366 IPC at Police Station Kanina.

Section 376 IPC was added lateron.

She is aggrieved with order dated 27.03.2014 passed by the Judicial Magistrate Ist Class, Mohindergarh by virtue of which the application filed by the investigating agency has been allowed and respondent No.2-Sonu has been discharged.

Heard.

The aforesaid FIR was got registered by the petitioner against one Parvinder on the allegations that he had enticed her married daughter aged about 24 years. During investigations, respondent no.2 was arrested for an offence under Section 368 Sharma Jiten 2014.05.06 17:22 I attest to the accuracy and integrity of this document High Court Chandigarh Crl.

Misc.

No.M-15032 of 2014 2 IPC.

The prosecutrix had made a statement under Section 164 Cr.P.C., after her recovery, to the Magistrate, wherein she disclosed that she was raped by Parvinder and it was Sonu who took her to Narnaul.

During the investigation, it also came to light that respondent no.2 brought the prosecutrix and Parvinder to the police.

This led the investigating agency to file an application seeking discharge of respondent no.2.

The prosecutrix had not attributed any allegation against Sonu in her statement made to the Magistrate.

The Court below on the basis of material placed before it, had discharged respondent no.2.

There is no illegality or infirmity in the approach of the Court below.

The instant petition, being without any merit, is dismissed.

However, whatever said hereinabove is without prejudice to the merits of the case.

May 05, 2014 (ANITA CHAUDHRY) Jiten JUDGE Sharma Jiten 2014.05.06 17:22
I attest to the accuracy and integrity of this document High Court Chandigarh

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