

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR.**

S.B. CRIMINAL MISC. APPLICATION NO. 172/2014.

IN

S.B. CRIMINAL WRIT PETITION NO. 62/2014.

(Sakunat & Anr. Vs. State of Raj. & ors.)

Date of Order: 31/07/2014

HON'BLE MRS. JUSTICE NISHA GUPTA, J.

Ms Kashmiri, mother of petitioners.
Mr Vipin Sharma, RPS, C.O., Bhiwadi, Alwar.

This Misc. Application under Section 226 of the Constitution has been filed for recalling the order dated 24.4.2014 by which a protection has been given to the petitioners.

The contention on behalf of the petitioners is that Writ Petition No. 62/2014 has been filed on behalf of Rafiq and Sakunat whereas in fact, Sakunat is the other daughter of the petitioner who is major and in place of Firdos, name of Sakunat has been used in Writ Petition. Firdos is minor one. A false affidavit has been filed and order has been obtained from the Court as regards police protection. The further contention of the petitioner is that he lodged an FIR as regards abduction of Firdos and forgery which has been committed before the court and FIR No. 238/2014 has been registered at Police Station, Tijara but in view of the order dated 24.4.2014 in the Writ Petition the police is not investigating the matter, hence the impugned order be recalled.

Mr Vipin Sharma, RPS, C.O., Bhiwadi, Alwar who is

also the Investigation Officer in the matter has placed on record the factual progress report which goes to show that FIR No. 238/2014 is under investigation. Investigation Officer has stated that earliest statement of Firdoas would be got recorded under Section 164 Cr.P.C. It has been made clear in the order dated 24.4.2014 that as regards the legality of the marriage, no opinion is being expressed and otherwise also if any offence whether of abduction or fraud has been committed by any person it is the bounden duty of the police to investigate the matter, hence the order dated 24.4.2014 does not come in any way in the investigation of FIR No. 238/2014 and there is no need to recall the order dated 24.4.2014.

With these observations, this application is disposed of.

(NISHA GUPTA), J.

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All corrections made in the judgment/ order have been incorporated in the judgment/ order being e-mailed.

*BM GANDHI
Sr. Personal Assistant.*