
(2017) 05 UK CK 0022
In the Uttarakhand High Court
Case No : 620 of 2017

Guddi and others

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 08-05-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 164A](#) - Medical examination of the victim of rape

Citation : (2017) 05 UK CK 0022

Hon'ble Judges : K.M. Joseph, Alok Singh

Bench : Division Bench

Advocate : I.D. Paliwal, ?D.K. Sharma, ? N.S. Kanyal, ?G.S. Negi, Farida Siddiqui

Final Decision : Disposed

Judgement

1. Petitioners approached this Court seeking the following reliefs :

"i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.1, 2 and 3 to provide the protection to the petitioners from the respondent nos. 4 to 9. ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 1, 2 and 3 to arrest the accused / respondent no. 4 to 9 with immediate effect in connection with the F.I.R. dated 17.04.2017."

2. Briefly put, the case of the petitioners is as follows :

Petitioner No.1 lodged F.I.R. against respondent No. 4 on 17.04.2017 (copy of the F.I.R Annexure No. 1). Respondent No. 4 was arrested and, thereafter, released without any reason. The case of the petitioners appears to be that 4th respondent raped the 3rd petitioner. It is further case of the petitioners that as soon as 4th respondent was released, he has again taken away the 3rd petitioner from her house in the presence of her father, mother and elder brother. Petitioners made complaint but the said complaint was not received by respondent No. 3. The case of the petitioners appears to be that Police recovered

the petitioner No. 3 from the house of both the respondents and she was handed over to the petitioners. There is allegation that respondents have given threat to the family member of the petitioners to kill them. Petitioner made Annexure-3 complaint. There is also reference to Annexure-4 complaint and Annexure-5 application dated 25.04.2017 made before the D.I.G. Nainital.

3. We heard Mr. I.D. Paliwal, learned counsel for the petitioners, Mr. D.K. Sharma, learned Addl. Advocate General for the State of Uttarakhand and also Mr. G.S. Negi, Advocate, who submits that he is entering appearance for respondent Nos. 4 to 9. He also undertakes that he will file his vakalatnama in the Registry during the course of the day.

4. As far as 1st prayer is concerned, learned Addl. Advocate General would submit that FIR was lodged. He would submit that respondent No. 4 is absconding and all attempts are being made to arrest him. He would further submit that the 3rd petitioner was produced before the Magistrate and her statements were recorded by the Magistrate. He further submits that protection will be granted to the petitioners.

5. Learned counsel for the party respondents would submit that allegations made in the F.I.R. are not correct. He further submits that petitioner No. 3 has not supported the version as stated in her statement recorded under Section 164-A Cr.P.C. He would submit that respondent Nos. 4 to 9 will not cause any threat to the petitioners.

6. In regard to 2nd prayer, namely, to arrest the 4th respondent, as already noted, the case of learned Addl. Advocate General is that efforts are being made to arrest him. We record the same.

7. As far as claim of the police protection is concerned, we besides recording the statement of learned counsel for respondent Nos. 4 to 9, direct, in case, petitioners represents before the 2nd and 3rd respondents of any threat by respondent No. 4 to 9 to the petitioners, respondent Nos. 2 and 3 will look into it and if the complaint is found genuine, they will give protection to the petitioners as against respondent Nos. 4 to 9 as and when required.

8. In the light of above, the writ petition is disposed of.