

THE HIGH COURT OF MADHYA PRADESH
MCRC-44349-2020
(Pooja Ahirwar Vs. State of Madhya Pradesh)

Gwalior Dt. 20.11.2020

Shri H.S.Rana, learned counsel for the petitioner.

Shri Rinkesh Goyal, learned Panel Lawyer, for respondent/State.

This case is heard through video conferencing.

Petitioner who is the prosecutrix and the complainant in crime No.426/20 registered at P.S. Kotwali District Ashoknagar alleging offence punishable u/S.376, 506 of IPC and 3(2)(5a) and 3(1)(w)(2) of SC/ST Act has approached this Court by invoking inherent powers u/S. 482 CrPC for direction to the respondents to conduct free and impartial investigation with the apprehension that since the petitioner after having lodged FIR and after having recorded statements u/S.161 and 164 CrPC against the accused Sonu Rai which are implicative in nature, has entered into a wedlock with the accused on 01.09.2020 at a Temple against the wishes of their parents.

The petitioner claims herself to be major based upon certain documents which are not legible.

The only apprehension is that since the FIR was lodged by her and subsequent incriminative statements u/S. 161 and 164 CrPC were recorded under the pressure exerted by her parents, the prosecution so launched would be damaging for the accused with whom she has got married and therefore, prayer is made for conduction of free and impartial investigation.

This Court has no manner of doubt that the investigation triggered by crime No.426/20 shall be conducted by the police in free and impartial manner

and merely on the basis of apprehension of petitioner, this Court can not pass any direction.

However, it is expected of the police to collect all possible evidence by keeping all avenues open and take into account not only incriminating but also extenuating circumstances and material which are made available to the police while conducting the investigation and deciding on the question of commission of an offence.

With the above said observations, this petition stands disposed of.

(Sheel Nagu)
Judge