

UPSM010003792021



Final Report/3/2021

In the Court of Additional District & Sessions Judge/Special Judge (POCSO)

Shamli.

Umardeen Vs. Vakeel and others

Final Report No. 03/2021

F.I.R. No.- 82/2016

U/S- 363, 366 IPC & 3/4 POCSO Act

PS Kairana, District Shamli.

Date- 20.07.2026

1. Called out. The complainant and the minor victim girl are not present despite repeated notice. As per the report, placed on record, the complainant Umardeen S/O Nafees, R/O Village Malakpur, PS Kairana, District Shamli has left the said address 6-7 years back alongwith his daughter the minor victim girl (herein after referred as Ms. X).

2. In brief, typed complaint dated 30.01.2016 was received at the PS Kairana, District Shamli, in which the complainant Umardeen S/O Nafees, R/O Kasba Baghra Titavi District Muzaffarnagar and recent R/O village Malakpur, PS Kairana, District Shamli has alleged that on 14.11.2015 at about 11.30 AM in the morning when the complainant had gone to agricultural field, the accused Vakeel S/O Samedeen, R/O Village Simli, PS Muzaffarnagr District Muzaffarnagar alongwith his relative Saleem S/O Ilyas and Zareena W/O Saleem both R/O Village Mohammadpur Rai and Nawab S/O Samedeen R/O Simli, induced his minor daughter Ms. X to accompany them which was witnessed by Mirhasan S/O Ashraf, R/O Village Khatola. PS Shahpur, District Muzaffarnagar, Gayyur S/O Sarpurdeen and Samoon S/O Gayyur both R/O Mabakpur. On receipt of information the complainant reached to his residence where he found RS 7,000/- in cash and 20 gram of silver ornaments also to be missing alongwith his minor daughter Ms. X. On the basis of the complaint, Case Crime Number 82/2016, dated 30.01.2016, under Sections 363, 366 IPC and Sections 3/4 POCSO Act, was registered against the accused-persons Vakeel, Saleem, Zareena and Nawab. On completion of investigation closure report was filed by the I.O. Sub-inspector Rishipal Singh, PS Kairana. Repeated notices were sent to the complainant,

however, the same could not be served on him because he has already left that place and had relocated to a new place alongwith the minor victim girl Ms. X.

3. Heard Ld. SPP for the State and perused the case file.

4. On perusal of the case file, it is reflected that the minor victim girl Ms. X had stated in her statement recorded U/S 164 Cr.P.C. that She is in love with the accused Vakeel, (her distant relative) for two to three years and she had voluntarily accompanied him to Punjab. They stayed for there couple of months. Thereafter, they went to Allahabad where they entered into marriage as per Muslim rites and ceremonies. She further stated that after entering into marriage with the accused Vakeel, both of them went to Punjab and started to live there as husband and wife. After couple of months her family members who were initially reluctant, have also accepted her marriage with the accused Vakeel. As per the medical examination report the age of the minor victim girl was found to be 19 years old on the basis of Ossification Test. She was also found to be two months pregnant. There is no other document on record to determine her age except the Ossification Test Report dated 06.04.2016 prepared by the C.M.O. Shamli on the basis of report of the Radiologist Dr. Vineet Kaushik of Government District Hospital Muzaffarnagar.

5. As is evident that as per ossification test, age of the victim girl has been reported to be about 19 years and also that the victim girl Miss X has stated in her statement recorded U/S 164 Cr.P.C. about she having voluntarily accompanied the main accused Vakeel out of love and subsequently got married with him against wishes of her parents. In the given circumstances the Final Report 03/2021, Umardeen Vs. Vakeel and others deserves to be accepted particularly when neither the complainant nor the victim girl could be traced for past several years and there is no protest petition on record.

6. Accordingly, the Final Report 03/2021 is accepted. Let the file be consigned to the record room as per rules.

Additional Sessions Judge/
Special Judge (POCSO)
Shamli.