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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-15467 of 2015
Date of Decision: 27.7.2015

Baljit @ Kaka

--Petitioner

Vs

State of Punjab and others

--Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. M.S.Bedi, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), seeks quashing of FIR No.21 dated 10.03.2014 under Sections 363, 366 (A) of the Indian Penal Code ('IPC' for short) registered at Police Station, Mukerian, District Hoshiarpur (Annexure P-1) and consequential proceedings arising therefrom.

Notice of motion was issued.

As per office report dated 23.07.2015, service upon respondents No. 1 to 3 is complete. However, none has come present on behalf of respondent No.3. Reply by way of affidavit dated 24.07.2015 on behalf of respondents No. 1 and 2 filed in Court today, is taken on record and a copy thereof has been supplied to the learned counsel for the petitioner.

Learned counsel for the petitioner, while referring to the averments taken in para 1 of the preliminary submissions in the reply

filed today on behalf of respondents No.1 and 2, submits that petitioner, as a matter of fact, has married with respondent No.3-Ms. Jeevan Kumari and they are living as husband and wife. He further submits that this was the reason that Ms. Jeevan Kumari got her statement recorded on 27.03.2014 under Section 164 Cr.P.C., before the learned Sub Divisional Judicial Magistrate, Mukerian that she had gone with the petitioner on her own and solemnized the marriage. He also refers to the material fact stated in the reply, filed on behalf of respondents No.1 and 2, that father of respondent No.3 who was complainant has also given an affidavit dated 28.12.2014, duly attested by the Executive Magistrate, Mukerian, stating that he does not want to get any action taken against the petitioner and the case may be cancelled. He prays for allowing the petition.

Learned counsel for the State, on instructions from Head Constable Ravinder Singh, Police Station Mukerian, District Hoshiarpur, fairly states that since respondent No.3 and petitioner have already married and living together as husband and wife, coupled with the fact that her father-complainant has also furnished above said affidavit dated 28.12.2014, to the effect that he does not want to get any action taken against the petitioner, let the present petition be disposed of, by passing an appropriate order.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the peculiar facts and circumstances of the

case noticed herein above, present petition deserves to be allowed. It is so said, because in the circumstances of the case, petitioner is not liable to face any criminal trial because respondent No.3 has not only stated before the Chief Judicial Magistrate in her statement under Section 164 Cr.P.C., that she had gone with the petitioner on her own, but later on she, as a matter of fact, has solemnized marriage with the petitioner. It is also not disputed on record that now petitioner as well as respondent No.3 are living together as husband and wife.

In view of the above, it is just and expedient to quash the impugned FIR and the consequential proceedings arising therefrom, so as to secure the ends of justice.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present petition deserves to be allowed. Consequently, impugned FIR No. 21 dated 10.03.2014 under Sections 363, 366 (A) IPC, registered at Police Station Mukerian, District Hoshiarpur and consequential proceedings arising therefrom, are hereby quashed.

With the abovesaid observations made, present petition stands allowed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

27.7.2015
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