

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-19739 of 2015
Date of Decision:-19.8.2015**

Rajbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Karan Singh, Advocate
for the petitioner.

Mr. Desh Bandhu, AAG Haryana.

Mr. Ashwani Talwar, Advocate
for respondent No.4.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for quashing of FIR No.123 dated 28.4.2015, under Section 346 IPC, registered at Police Station Matlauda, District Panipat.

Learned counsel for the petitioner contends that this Court in Criminal Misc. No. M-13433 of 2015, titled 'Kalwinder Kaur and another vs. State of Haryana and others', decided on 27.4.2015, has passed the following order :-

“Heard.

Pleadings on record have been perused.

The petition is disposed of with a direction to respondent No.3 i.e. SHO, Police Station Sadar, Jind, District Jind that in case any representation is filed seeking protection of life and liberty, the contents thereof be duly verified and if necessary, requisite steps be taken, strictly in accordance with law for grant of protection of life and liberty to the petitioners. It is clarified that this order shall not be treated as a stamp of this Court for marriage of the parties.

Petition stands disposed of.”

After passing of aforesaid order, Kulwinder Kaur, who has allegedly been taken away by the petitioner, is staying with him at village Hatt, Tehsil Safidon, District Jind. Her statement has been recorded separately, where she has stated that she is staying with the petitioner-Rajbir, at her free will. She has taken protection from this Court vide judgment dated 27.4.2015. Learned counsel for the petitioner contends that Kulwinder Kaur is more than 20 years of age, as her date of birth is 15.2.1993, which is duly reflected in Annexure P-1. She has solemnized marriage with the petitioner Rajbir Singh. Since the parents of Kulwinder Kaur were not happy with this marriage, rather were against this marriage, the petitioner approached this Court and sought protection, which was granted to them by this Court. He has further contended that the registration of the FIR No.123 dated 28.4.2015 is nothing but an attempt to pressurise the petitioner to come to their terms.

On notice of motion having been issued, respondents No.1 to 3 have filed the status report. However, in the status report, it has been submitted that the Investigating Officer in the case had sent notice to the

petitioner asking him to come to him alongwith the proof of marriage and get recorded their statements. But petitioner Rajbir did not appear despite the fact that his brother Bhurra has received the notice on behalf of petitioner. Again on 28.5.2015, the Investigating Officer visited the residence of petitioner, but neither petitioner nor Kulwinder Kaur were found there. Similarly, on 20.7.2015, the Investigating Officer again visited, but did not find the petitioner. It has been stated that the statement of Kulwinder Kaur d/o Balwinder Kaur was necessary in the FIR No.123 dated 28.4.2015.

Mr. Ashwani Talwar, Advocate has put in appearance on behalf of complainant Balwinder Kaur-respondent No.4 and has not strongly opposed the present petition. However, he made a fair prayer that let Balwinder Kaur be granted an opportunity to interact with her daughter Kulwinder Kaur. This Court while approving the emotional relationship between the mother and the daughter, acceded to the said request. Accordingly the respondent No.4-Balwinder Kaur was allowed to interact with her daughter Kulwinder Kaur. However, after duo meeting i.e. mother-daughter, learned counsel for respondent No.4 prays for some more time to interact but the said offer was straight away declined by Kulwinder Kaur.

Having considered the submissions made by learned counsel for the parties and noticing the statement made by Kulwinder Kaur, who is present in Court, the present petition deserves to be accepted, as she has made a categorical statement in Court that she is happy with the petitioner Rajbir Singh. She has further stated that she does not want to meet with her mother Balwinder Kaur-respondent no.4, any more. There

is no ambiguity in the statement of Kulwinder Kaur that she intends to stay with Rajbir Singh.

In the light of the aforesaid facts and circumstances of the case, while considering the statement of Kulwinder Kaur, this Court finds that the FIR in question deserves to be quashed, as the allegations made in the FIR by the complainant cannot be proved beyond any probability. Accordingly, the present petition is accepted and the FIR No.123 dated 28.4.2015, under Section 346 IPC, registered at Police Station Matlauda, District Panipat, and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

August 19, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE

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vs
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Statement of Kulwinder Kaur d/o Karnail Singh, resident of Dariyapur,
District Panipat.

(onSA)

States that I am major and my date of birth is 15.2.1993. As per order dated 12.8.2015 I have been directed to come present in the Court. Accordingly I have come present and as permitted by this Court I have intracted with my mother Balwinder Kaur. However, considering the fact that I am major and qualified upto graduation level, I am competent to decide about my future. I do not want to go with my parents rather I intend to go with Rajbir Singh son of Umed Singh, resident of Village Hatt, Tehsil Safidon, District Jind. I am making this statement without any pressure, influence or coercion.

RO & AC

(HARI PAL VERMA)
JUDGE
19.08.2015.