

223 In the High Court of Punjab and Haryana at Chandigarh

CRM-M No.23053 of 2014

Date of decision: 18.02.2015

Ajay Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Sandeep Wadhawan, Advocate
for the petitioner.

Mr.K.S.Aulakh, AAG, Punjab.

Mr. Sanjeev Kumar, Advocate for
Mr.H.S.Batth, Advocate
for respondent No.2.

Parties in person.

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.25 dated 15.03.2014, under Sections 363 and 366-A of the Indian Penal Code, 1860 ('IPC' – for short), registered at Police Station Patti, District Tarn Taran, (Annexure P-1) and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner has submitted that respondent No.3 and the petitioner had fallen in love with each other.

Due to this reason, respondent No.3 had left her parental home as

respondent No.2 was not agreeable to perform marriage of respondent No.3 with the petitioner. Parents of the petitioner had agreed to perform marriage of the petitioner with respondent No.3.

Learned counsel for respondent No.2 has opposed the petition and has submitted that respondent No.3 was a minor at the time of the alleged occurrence.

Petitioner and his parents are present in person. Petitioner has stated that he wants to perform marriage with respondent No.3. Parents of the petitioner have also stated that they are ready to perform marriage of the petitioner with respondent No.3.

Respondent No.2 is present in person and has submitted that he has no objection qua the marriage of his daughter with the petitioner. Respondent No.2 further submitted that respondent No.3 be allowed to accompany him so that he can perform her marriage with the petitioner.

Respondent No.3 was sent to Protection Home, Jalandhar. Respondent No.3 has been produced in Court by State Protection Home, Jalandhar. Respondent No.3 has stated that now she has gained the age of majority and wants to perform marriage with the petitioner. She has stated that she does not want to accompany her father because he shall not perform her marriage with the petitioner.

Annexure P-2 is the statement of respondent No.3 recorded under Section 164 Cr.P.C. wherein she has stated that she had told her parents that she wanted to perform marriage with the

petitioner but they had not agreed to do so and they had given beatings to her. Due to this reason, she had run away from her home. Petitioner met her on the road and she narrated the incident to him. Petitioner made a phone call to the police and thereafter, police reached at the spot. She had not been taken anywhere by the petitioner and he was innocent.

Thus, in the present case, it is evident that the petitioner and respondent No.3 were having a love affair and wanted to perform marriage. However, respondent No.3 was 17½ years at that time. From the statement of respondent No.3 (Annexure P-2), it is evident that she had left her home as she was given beatings by her family members. Since respondent No.2 was not agreeable to perform marriage of his daughter with the petitioner, FIR in question was got registered against the petitioner. So far as the parents of the petitioner are concerned, they are ready to perform marriage of the petitioner with respondent No.3. Petitioner is also ready to perform marriage with respondent No.3. Respondent No.3 also wants to get married to the petitioner. At this stage, even respondent No.2 has stated that he will perform marriage of his daughter with the petitioner but respondent No.3 has stated that she does not want to accompany her father and she apprehended that he may not perform her marriage with the petitioner once she reaches home. Admittedly, now respondent No.3 is a major.

In view of the facts and circumstances of the present case, continuation of criminal proceedings against the petitioner

would be nothing but an abuse of process of law.

Accordingly, this petition is allowed and FIR No.25 dated 15.03.2014, under Sections 363 and 366-A IPC, registered at Police Station Patti, District Tarn Taran, and all subsequent proceedings arising therefrom are quashed.

Since respondent No.3 has gained the age of majority she be released from the Protection Home, Jalandhar forthwith.

**(SABINA)
JUDGE**

February 18, 2015
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