

235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-26360 of 2013
Date of Decision: January 20, 2015

Jugraj Singh and others Petitioners

vs.

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. V.P. Singh, Advocate for the petitioners.
Mr. Ashish Sanghi, Deputy Advocate General, Punjab.
Ms. Sushma Chopra, Advocate for respondent No.4.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973, for quashing of the FIR No.143, dated 15.07.2013, under Sections 363 and 366 of the Indian Penal Code, 1860, registered at Police Station Jandiala Guru, Tehsil and District Amritsar, claiming that the false FIR has been got registered.

A perusal of the FIR shows that Lakhbir Singh (respondent No.4) had lodged the FIR stating that her daughter Angal Preet Kaur was born on 11.10.1995. She was doing B.Com from Khalsa College, Amritsar. On 09.07.2013, she left the home. While leaving the home, she took away 10 tolas of gold and ₹1,90,000/- in cash and two I-phones. The allegations are levelled that Penny daughter of Dharminder Singh introduced her daughter to Jugraj Singh, Daljit Kaur, Kuldip Kaur and Surjit Singh. All these persons entered into a conspiracy and enticed her daughter to bring precious articles with a promise that they would arrange her marriage with Jugraj Singh.

The State in its reply has submitted that the investigation was carried out in which the accused had joined the investigation. Angal Preet Kaur daughter of the complainant (petitioner no.4) stated that she left the house of the complainant with her own accord in wearing apparels and no alleged cash and gold ornaments were carried out by her. Even she did not take her school certificates. She even stated that she had solemnized the marriage with Jugraj Singh with her free consent on 10.07.2013 and that now she is living in her matrimonial house with Jugraj Singh peacefully.

I have heard the learned counsel for the parties and have also carefully gone through the case file.

During the course of arguments, it comes out that the challan has been presented. However, it is not denied that after the marriage, Angal Preet Kaur is residing with her husband Jugraj Singh in her matrimonial house. It is alleged that Angal Preet Kaur was little short of 18 years on the date of marriage. In any case, the marriage of the minor is not void, it is only at the option of the minor to challenge it. In this case, Angal Preet Kaur had married with accused Jugraj Singh against the wishes of her father, who lodged the FIR in question that her daughter was kidnapped.

It is a case of run away couple, who married against the wishes of father of the girl. Therefore, the FIR in question is misuse of the process of the court/law. Accordingly, the FIR in question along with all the consequential proceedings stand quashed.

The petition is accordingly allowed.

January 20, 2015
sarita

(KULDIP SINGH)
JUDGE