

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

**Crl. Misc. No. M-30331 of 2014
Date of decision: 23.01.2015**

Harwant Kaur and others

...Petitioners

versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Narinder Kumar Awasthi, Advocate,
for the petitioners.

Mr. Daljit Singh Virk, AAG, Punjab.

RITU BAHRI, J.

This petition under Section 482 Cr.P.C., is for quashing of FIR No.26 dated 18.01.2012, under Sections 363, 366-A, 120-B IPC, registered at Police Station, Sadar Tarn Taran, District Tarn Taran.

The FIR was registered on the basis of statement made by Joginder Singh-respondent No.2, alleging that on 01.12.2011, Simranjit Singh-petitioner No.2 had incited his daughter Harwant Kaur @ Rosi, aged about 17½ years and took her on a motorcycle towards village Pakhoke. Despite making many efforts to search her, she could not be found anywhere. In this background, the FIR was registered.

The case of the petitioners is that parents of Harwant Kaur-petitioner No.1 had fixed her marriage in the year 2011 to a person, who was 10 years older to her. However, she was having an affair with petitioner No.2-Simranjit Singh. In this regard, she had informed her parents, but they were not ready to marry her with petitioner No.2. Therefore, she had no

option, but to leave her parents' house on 01.12.2011 i.e. 4/5 days before her marriage. Thereafter, Harwant Kaur and Simranjit Singh-petitioner Nos. 1 and 2 started living at Payal, District Ludhiana. As per marriage certificate (Annexure P-2), they solemnized marriage on 25.08.2012. Date of birth of Harwant Kaur, as per Annexure P-3, is 13.07.1994.

On 17.10.2014, learned counsel for the petitioner had informed the Court that pursuant to the order dated 04.09.2014 passed by this Court in CRM-M-26290 of 2014, petitioner No.2, who had been declared as proclaimed offender, had appeared before the trial Court and submitted his bail bonds.

Learned State counsel, on instructions from ASI Charan Singh, has informed that the above stated facts are not in dispute.

Learned counsel for the petitioners has further informed that the Harwant Kaur has now given birth to a baby child and is residing happily.

As per Annexure P-3, date of birth of Harwant Kaur-petitioner No.1 is 13.07.1994 and she has attained majority in the month of July, 2012. At this stage, reference can be made to a judgment delivered by this Court in **Sandeep Singh and others Vs. kState of Punjab and another,** CRM-M-31936 of 2009, decided on 18.04.2011 (Annexure P-4), wherein in a case of run away couple, where the girl had attained the majority, the FIR registered by the parents of the girl under Section 363, 366 read with Section 120-B IPC had been quashed.

In the facts of the present case, Harwant Kaur-petitioner No.1 had attained the age of majority in the year 2012 and now she has given birth to a child. Moreover, she is residing happily with her husband, Simranjit Singh-petitioner No.2. In these circumstances, this Court is of the view that

the present FIR is liable to be quashed.

Accordingly, FIR No.26 dated 18.01.2012, under Sections 363, 366-A, 120-B IPC, registered at Police Station, Sadar Tarn Taran, District Tarn Taran, is quashed with all consequential proceedings arising therefrom qua the petitioners.

Petition stands allowed accordingly.

(RITU BAHRI)
JUDGE

23.01.2015
ajp