

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

CRM-M-36187-2014

Decided on : 28.07.2015

Jaspreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MS. JUSTICE NAVITA SINGH

Present : Mr. S.K. Gupta, Advocate for
Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab
for respondent No.1.

Mr. Sanjiv Gahlawat, Advocate
for respondent No.2.

NAVITA SINGH, J. (Oral)

This is a petition under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No. 147 dated 21.10.2013, under Sections 200 of IPC and Sections 9/10 of Prohibition of Child Marriage Act, 2006 and Section 4 of the Protection of Children Sexual Offences Act, 2012 and subsequently added Section 377 of IPC, registered at Police Station Bullowal, District Hoshiarpur, on the basis of compromise, along with all subsequent proceedings arising therefrom.

Counsel for the petitioner has placed on record the order relating to the petition under Section 13-B of the Hindu Marriage Act filed by respondent No.2 Harpreet Kaur and petitioner

Jaspreet Singh. The petition was filed by them in which statement on first motion was made on 06.10.2014 and the statement on second motion was made on 27.04.2015. Thereafter, the decree of divorce by mutual consent was passed on that very date i.e. 27.04.2015.

The date of incident in the FIR, quashing of which has been sought, was given as 03.08.2013 and the date of birth of the complainant, given as 19.10.1995. By that time she had almost completed 18 years and was just two month short of it. At one place she stated before this Court that the allegations levelled by her were true and she had not entered into the compromise. However, thereafter she admitted that she had taken the money from the petitioner during divorce proceedings and statement of parties on second motion stood recorded on the same day when the case was decided i.e. 27.04.2015.

The complainant, it appears, lodged the criminal case against the petitioner on account of falling out with him and not wanting to continue in the marriage. The divorce petition was filed on 16.10.2014 and the FIR was lodged on 25.10.2013.

Therefore, it appears that there is no truth in the allegations made in the FIR and it is also felt that the complainant had entered into the compromise voluntarily, but on account of certain extraneous consideration she made an unsuccessful attempt to wriggle out.

In view of the facts given above and the factum of

divorce and compromise effected between the complainant and the petitioner, the petition is allowed and the above said FIR stands quashed. All proceedings relating to that FIR also stand quashed.

Disposed of.

JULY 28, 2015

Naveen

**(NAVITA SINGH)
JUDGE**