

246 In the High Court of Punjab and Haryana at Chandigarh

CRM-M-40425-2014
Date of decision: 19.02.2015

Deepak KumarPetitioners

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.R.K.Shukla, Advocate
for the petitioner.
Mr.K.S.Aulakh, AAG, Punjab.

None for respondent No.2.

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SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.49 dated 09.05.2014, under Sections 363 and 366-A of the Indian Penal Code, 1860 ('IPC' – for short) and Sections 3 and 4 of the Prevention of Children from Sexual Offences Act, 2012 (in short of the Act), registered at Police Station Dirbha, District Sangrur, (Annexure P-3) and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner has submitted that the petitioner had performed marriage with Manpreet Kaur daughter of respondent No.2 on 08.05.2014. However, respondent No.2 was not happy with the said fact and had got registered the FIR in question against the petitioner.

None has appeared on behalf of respondent No.2 despite service.

Manpreet Kaur is present in person and has been

identified by Assistant Sub Inspector Sukhdev Singh, who has come to assist the learned State counsel.

Manpreet Kaur has stated that she had performed marriage with the petitioner of her own free will and is presently residing happily with the petitioner in the matrimonial home.

Annexure P-1 is the copy of the petition moved by the petitioner and Manpreet Kaur before the Session Court seeking protection of their life and liberty. Annexure P-2 is the copy of the marriage certificate and as per the same, the petitioner and Manpreet Kaur had performed marriage on 08.05.2014. As per Annexure P-5, the date of birth of Manpreet Kaur is 15.09.1995.

Thus, in the present case, continuation of criminal proceedings against the petitioner would be nothing but an abuse of process of law. FIR in question was got registered by respondent No.2 against the petitioner as his daughter had performed marriage with the petitioner against his wishes.

Accordingly, this petition is allowed. FIR No.49 dated 09.05.2014, under Sections 363 and 366-A of the Indian Penal Code, 1860 ('IPC' – for short) and Sections 3 and 4 of the Act, registered at Police Station Dirbha, District Sangrur, (Annexure P-3), and all subsequent proceedings arising therefrom are quashed.

**(SABINA)
JUDGE**

February 19, 2015

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