

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

CRM-M No. 10879 of 2014 (O&M)

Date of decision: 24.09.2016

Sukhjeet Singh

...Petitioner

Vs.

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : None for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

RITU BAHRI, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 5 dated 23.01.2012, for the offence under Sections 363, 366-A, 120-B of the IPC, registered at Police Station Sadiq, District Faridkot (Annexure P-3) along with order dated 10.10.2012 (Annexure P-4) passed by the learned Additional Chief Judicial Magistrate, Faridkot declaring the petitioner a proclaimed offender and also the challan dated 18.12.2012 (Annexure P-5) filed under Sections 363/366-A of the IPC against the petitioner.

Counsel for the State, on instructions from ASI Kulbir Singh, has informed that on 25.07.2016, the petitioner has appeared before the trial Court and his bail bonds have since been accepted. Counsel for the State also informed that respondent No. 3 is staying with the petitioner and having a child out of this wedlock. The birth certificate of the child is Annexure P-2. The FIR was registered in the backdrop that petitioner has solemnized marriage with

respondent No. 3 which was an inter-caste marriage and the petitioner and respondent No. 3 are stated to be belonging to Jatt Sikh and Majhabhi Sikh caste, respectively.

The petitioner has solemnized marriage with respondent No. 3 and sought protection from this Court and thereafter one son was born namely Gurvinder Singh on 29.07.2013 as per birth certificate (Annexure P-2). At the time of marriage, respondent No. 3 was minor and her date of birth 02.07.1996 as recorded in the FIR No. 5 dated 23.01.2012 under Sections 363, 366-A, 120-B IPC. During investigation, petitioner was declared proclaimed offender, vide order dated 10.10.2012 (Annexure P-4). On the presentation of Challan (Annexure P-5), Baljit Singh, Joginder Singh and Harjinder Singh were kept in Column No. 2.

In this background, this petition has been filed for quashing of FIR, PO order and challan. In compliance of the order dated 13.07.2016, the petitioner has put in appearance before the trial Court and trial Court has accepted his bail bonds.

As per reply, filed by the State, it is not disputed that the petitioner and respondent No. 3 have given birth to a child as per birth certificate (Annexure P-2) and respondent No. 3 was minor but her real date of birth is 02.07.1996 as per school certificate. She was 16 years of age, she solemnized marriage with the petitioner. Separate reply of respondent No. 3 has been filed stating that she had a relationship with petitioner for last 3-4 years and thereafter solemnized marriage and now cohabiting with petitioner as husband and wife and after that they came to know that said FIR has been registered.

Counsel for the State has now informed that respondent No. 3 is

residing with the petitioner.

Keeping in view the facts that the respondent No. 3 has attained majority, the FIR No. 5 dated 23.01.2012 under Sections 363, 366-A, 120-B of the IPC, registered at Police Station Sadiq, District Faridkot (Annexure P-3) and order dated 10.10.2012 (Annexure P-4) are quashed with all subsequent proceedings.

Petition stands allowed.

September 24, 2016
Ansari

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No