

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No. M-14232 of 2016
Date of decision: 18.11.2016.

Kinnu and Ors.

...Petitioners

Versus

State of Punjab and Ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Chahal, Advocate for the petitioners.

Mr. M.S. Sachdeva, Addl. AG, Punjab.

Mr. Ravinder Malik, Advocate
for respondent No. 2.

Mr. Mohd. Salim, Advocate
for respondent No. 3.

RITU BAHRI, J.(ORAL)

Petitioner is seeking quashing of FIR No. 101 dated 02.12.2012 under Sections 363, 366A, 120 B of IPC registered at Police Station Mahilpur, District Hoshiarpur.

Daughter of the complainant-respondent No. 3 namely Manno @ Monika-respondent No. 2 was in love with Tittu son of Sardara r/o House No. 45, Village Shahpur, Tehsil Garhshankar, District Hoshiarpur. They performed their marriage on 13.01.2013 as per Hindu Rites and Rituals at Prachin Shiv Mandir Mansa Devi Road Panchkula. The photographs and photocopy of the marriage certificate of Manno @ Monika and Titu have been annexed herewith as (Annexure P-2 and P-3) with this petition. They started residing together as husband and wife at Village Shahpur. This marriage was not approved by the

parents and other relatives of respondent No.2-namely Manno @ Monika. A petition under Section 482 Cr.P.C. for seeking of protection was disposed of on 16.01.2013 (Annexure P-4) by giving direction to SP, Hoshiarpur to look into the allegations as contained in the petition personally and take necessary steps in accordance with law, if the situation so warrants.

Thereafter, the FIR No. 101 dated 02.12.2012 under Sections 363, 366A, 120 B of IPC registered at Police Station Mahilpur, District Hoshiarpur was got registered by respondent No. 3. The petitioner is seeking quashing of abovesaid FIR on the ground that after solemnization of the marriage with the daughter of the complainant namely Manno @ Monika has given birth to two daughters namely Roshni in the year 2014 and Chandni on 29.12.2015 and are living happily together. Affidavits from the Civil Hospital and respondent No. 2-wife (Annexure P-5 and Annexure P-6) is used to ascertain the age of respondent No. 2-wife. Her date of birth is 22.08.1993 and she resides with the petitioner's son after her marriage on 13.01.2013 as per Hindu Rites and Rituals. Contrary to the FIR registered she was never abducted.

On notice counsel for respondent No. 2 has filed his reply. Counsel for respondent No. 1-State has filed reply on 16.11.2016 stating that after registration of FIR petitioner No. 1 and Petitioner No. 2 were arrested but released on bail. Petitioner No. 3 was arrested on 14.02.2013 and was released on bail. Petitioner No. 4 was arrested on 02.12.2012 and released on bail. Co-accused Rakesh Kumar was declared Proclaimed Offender by Ld. Judicial Magistrate Ist Class. Thereafter, challan under Section 363, 366-A, 367, 120-B has been presented on 07.11.2014 against all the petitioners. Supplementary challan against co-accused Rakesh Kumar of Proclaimed Offender has been filed on 04.11.2015

before Additional Sessions Judge, Hoshiarpur. Some of the prosecution witnesses have been examined and examination of remaining witnesses was fixed for 21.11.2016. The date of birth of the daughter of the complainant, as per the information given by the Civil Hospital dated 30.11.2014, is 20 years on 30.09.2012.

Keeping in mind the affidavit of respondent No. 2-wife, the allegations against the present petitioners with regard to the abduction as such are not made out.

In view of the above, FIR No. 101 dated 02.12.2012 under Sections 363, 366A, 120 B of IPC registered at Police Station Mahilpur, District Hoshiarpur stands quashed.

Petition is allowed.

November 18, 2016
Poonam (II)

(RITU BAHRI)
JUDGE

Whether speaking/reasoned:

Yes

Whether reportable

No