

CRM-M-17702 of 2016

Decided on:15.11.2016

Amritpal Singh & Anr.

.... Petitioners

Versus

State of Punjab & Ors.

..... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. JS Thind, Advocate
for the petitioners.

Mr. Arshdeep S. Kaler, DAG, Punjab.

Mr. Vishal Goel, Advocate
for respondent Nos. 4 & 5.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0060 dated 03.05.2016 under Sections 363, 366, 34, and 120-B of IPC registered at Police Station Majitha.

In brief the facts are that the petitioner No.1 namely Amritpal Singh and respondent No.5 solemnized marriage against the wishes of the parents as they are both major. As the parties apprehended that the parents may take some drastic step to separate them from each other, they filed a Crl. Misc. No. M-15275 of 2016 before this Court seeking protection of the life and liberty, which petition came to be disposed of with a direction to consider the case of the petitioners within the frame work of law and the police was also directed to Act if there was any threat perception. This miscellaneous was disposed of on 05.05.2016. The father of respondent No.5 approached the Police Station Majitha and got an FIR No.0060 under

Sections 363, 366, 34, and 120-B of IPC registered. Aggrieved against the lodging of the said FIR, the instant petition was preferred. Notice was issued and a reply was filed by the State wherein, in the preliminary submissions it is submitted that the statement of respondent No.5 has been recorded under Section 164 Cr.P.C in which she has stated that she is a major and solemnized marriage with petitioner No.1 of her own free consent and is happy in her matrimonial home. On the basis of said statement made, the police has already prepared a cancellation report which is being submitted to the Illaqa Magistrate for approval.

I have heard learned counsel for the parties and while taking note of the submissions therein, I am of the opinion that the above noted FIR, filed at the instance of the father of respondent No.5, deserves to be quashed. The FIR came to be lodged on the ground that the daughter of the complainant was a minor and that the accused has enticed his daughter with the intention to perform her marriage with the accused Amritpal Singh the petitioner herein. The petitioner married with respondent No.5 daughter of the complainant on 02.05.2016. On that date she was major. Date of birth of Jashanpreet Kaur is evident from the adhaar card which is as annexure P-2 on the record. Since the daughter of the complainant voluntarily left parental home to join the company of petitioner No.1 and thereafter married him of her own free will being a major at that time, no offence under Sections 363, 366, 34 read with Section 120 B of the IPC are made out.

Both parties have solemnized their marriage and happily residing as husband and wife. The offences as complained of in the FIR are not sustainable.

In view of the fact that the police has already thoroughly investigated the matter and has already put up a cancellation report, no useful purpose would be served in allowing the proceedings under the said FIR.

Consequently, keeping in view the fact that no offences are made out and there is no likelihood of conviction, this petition is allowed and FIR No.0060 dated 03.05.2016 (**Annexure P-1**), registered under Sections 363, 366, 34, and 120-B of the Indian Penal Code at Police Station Majitha and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

15.11.2016

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(JAISHREE THAKUR)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>