

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

Crl. Misc. No.M-1842 of 2016

Date of Decision: 27.04.2016

Jasbir Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. P.B.S. Goraya, Advocate
for the petitioners.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

Mr. Kushagra Mahajan, Advocate
for respondents No.2 and 3.

DAYA CHAUDHARY, J.

Petitioners-Jasbir Singh, Jaspreet Singh and Sukhchain Singh are accused in case FIR No.113 dated 31.08.2014 registered under Sections 363 and 366-A IPC at Police Station Verowal, District Tarn Taran along with all subsequent proceedings arising therefrom on the basis of compromise.

The FIR, in question, was registered on the basis of complaint made by respondent No.3. As per allegations made in the complaint, the daughter of the complainant was enticed away by the accused persons.

Complainant came to know that the accused persons, in connivance with each other, had taken his daughter away on inducement of marriage. However, during the pendency of the proceedings, both the parties have settled their dispute as the complainant-respondent No.3, who is father of the victim, has accepted the marriage of his daughter with petitioner No.1.

Learned counsel for the petitioners submits that no offence under Sections 363 and 366-A IPC is made out against the petitioners as no evidence was available on record to show that they ever allured or enticed the girl to elope with them. She had left the house of her father on her own and ran away with petitioner No.1 but before they could solemnize their marriage, a false case was registered against all family members. It was a case of love marriage and the same was not liked by complainant-respondent No.3 but subsequently, it has been accepted.

Learned counsel for respondents No.2 and 3 has also not disputed the submissions made by learned counsel for the petitioners.

Notice of motion in the case was issued on 20.01.2016 and directions were also issued to the parties to appear before the trial Court for recording of their statements with regard to compromise.

In compliance of directions issued by this Court on 20.01.2016, the parties appeared before the Additional Sessions Judge, Tarn Taran and their statements were accordingly recorded, wherein, the factum of compromise has been affirmed. A report in this regard has also been sent, which is on record, wherein, it has been stated that the compromise arrived at between the parties is genuine and there is no pressure from either side.

Admittedly, petitioner No.1 and respondent No.2 got married and are happy in their matrimonial life. A child was also born out of the said wedlock. Now, the complainant-respondent No.3 has no objection in

quashing of FIR as well as other proceedings arising therefrom. The statements of the victim as well as complainant were recorded and both of them stated in their respective statements that they have no objection in quashing of FIR as well as other proceedings arising therefrom.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR (Criminal) 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

In the present case, no offence under Sections 363 and 366-A IPC is made out against the petitioners as it was a case of love marriage between petitioner No.1 and respondent No.2. The FIR, in question, was registered at the instance of father of the victim but subsequently, he has accepted their marriage. A child was also born out of the said wedlock and the parties are happy in their matrimonial life.

By exercising the powers under Section 482 Cr.P.C and by considering the interest of the parties, the present petition is allowed. FIR No.113 dated 31.08.2014 registered under Sections 363/366-A IPC at Police Station Verowal, District Tarn Taran along with all consequential proceedings arising therefrom qua petitioners-Jasbir Singh, Jaspreet Singh and Sukhchain Singh are hereby quashed.

27.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE