

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

CRM-M-27552-2015

Date of decision: 27.08.2016

Jujj Singh and another

.....Petitioners

Versus

State of Punjab and others

**.....
Respondents**

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioners.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Ritu Bahri, J.

Prayer in this petition is for quashing of FIR No.25 dated 15.07.2015, under Sections 363/366/120-B IPC, registered at Police Station, Narot Jaimal Singh, District Pathankot (Annexure P-1).

The aforesaid FIR has been registered on the statement made by Yashpal-respondent No.2 (complainant) to the effect that he has two sons and one daughter namely Shivani-respondent No.3. His daughter was studying in Class 10+2 at Shani Devi Women College, Dina Nagar. On 06.07.2015, at about 7:15 A.M., she left for college, but did not reach there. He enquired about her whereabouts, but all in vain. Later on, he came to know that Rajveer Singh @ Judge had taken her away by alluring her on the pretext of marriage. He was fully confident that Kulwant Singh son of Resham Singh had helped him in doing so. In this background, the FIR was

got registered.

Learned counsel for the petitioners contends that in fact, petitioner No.1 and Shivani-respondent No.3 were known to each other and they had solemnized marriage on 08.07.2015 as per Sikh rites and ceremonies against the wishes of respondent No.2-complainant. After marriage, Shivani, daughter of complainant, made a statement (Annexure P-2) before the Judicial Magistrate Ist Class, Ferozepur on 09.07.2015, stating that she had solemnized marriage with Jujj Singh-petitioner No.1 at her own free will and choice. Thereafter, they approached this Court by filing CRM-M-25004-2015, whereupon they were granted protection vide order dated 30.07.2015 (Annexure P-3). Later on, complainant-Yash Pal filed a criminal writ petition i.e. CRWP-1059-2015 before this Court. Vide order dated 03.08.2015 (Annexure P-4), he was allowed to withdraw the same to pursue the investigation in FIR No.25 dated 15.07.2015 (Annexure P-1).

The petitioners are seeking quashing of the above said FIR on the ground that daughter of the complainant is residing happily with petitioner No.1 as his wife.

Upon notice, reply on behalf of respondent No.1, by way of affidavit of Deputy Superintendent of Police (Rural), Pathankot, has been filed, wherein it has been stated that after registration of the FIR, date of birth certificate of respondent No.3-Shivani was taken into possession by the police and the same was verified from the Headmaster of Popular Modern School, Narot Jaimal Singh, Pathankot, who confirmed that date of birth of Shivani (daughter of complainant-Yashpal) was 31.05.1998. The police had raided the house of petitioners, but they were not found present

there. Vide order dated 27.08.2015 passed by this Court, presentation of the challan has been stayed.

Learned State counsel, on instructions from SI Dalip Kumar, has informed the Court that as on today, respondent No.3-Shivani is staying with her husband-petitioner No.1 as his wife.

In the facts and circumstances of the case, since respondent No.3-Shivani (daughter of complainant) has attained the age of majority on 31.05.2016 and she is still residing happily with her husband i.e. petitioner No.1, this Court is of the view that continuation of present criminal proceedings would be an abuse of the process of law and no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.25 dated 15.07.2015, under Sections 363/366/120-B IPC, registered at Police Station, Narot Jaimal Singh, District Pathankot, is quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

27.08.2016
ajp

(RITU BAHRI)
JUDGE

speaking/non-speaking : Yes/No
Reportable : Yes/No