

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-28731 of 2015

DATE OF DECISION: 19.01.2016

Gurpreet Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see 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.Parvez Akhtar, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Gitish Bhardwaj, Advocate
for respondent No.3.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 28 dated 5.7.2015 registered under Sections 363,366-A IPC at Police Station City Ahmedgarh, District Sangrur.

Notice of motion was issued on 27.8.2015 and it has been contended by learned counsel for the petitioners that petitioner No.1 and respondent No.3 are living together after their marriage.

Learned counsel for the petitioners also contends that the present FIR was lodged against the petitioners on the basis of complaint made by Jagdish Kumar, the father of respondent No.3, as his daughter

was having love affair with petitioner No.1. Petitioner No.1 and respondent No.3 solemnized marriage on 15.7.2015. No offence is made out under Sections 363,366-A IPC but still FIR was registered.

The daughter of the complainant, namely, Rajni @ Saweeta (respondent No.3) is present in Court today and she has been identified by the investigating officer. She submits that since her father was not happy with her marriage with petitioner No.1 and the present FIR was got registered, whereas, she is residing in her matrimonial home with her husband. She has also filed an affidavit in the Court today, wherein, factum of marriage with petitioner No.1 has been mentioned and the same is taken on record as Annexure A-1. She has also stated that she has no objection in quashing of the FIR and other proceedings arising therefrom.

Heard arguments advanced by learned counsel for the parties and have also gone through the allegations levelled in the FIR.

Learned counsel for respondent No.3 has affirmed the factum of marriage between petitioner No.1 and respondent No.3.

Admittedly, respondent No.3 has solemnized her marriage with petitioner No.1 but being love marriage, her father was not in favour of the same. As per allegations in the FIR, the daughter of the complainant was taken away by petitioner No.1 with an intention to marry her. In such circumstances it cannot be a case of kidnapping as petitioner No.1 and respondent No.3 were more than 18 years of age and have solemnized their marriage. Hence, no offence is made out under Sections 363, 366-A IPC. Respondent No.3 has also appeared before the police and stated that she has married with petitioner No.1 but the same was not considered by the investigating agency. An affidavit to this effect has also been filed by respondent No.3 before this Court and while filing this petition not only the birth certificate has been placed on record as Annexure P-3 but an

affidavit in this regard has also been annexed as Annexure P-4.

On perusal of documents available on record and after hearing respondent No.3, it is apparent that no offence is made out under Sections 363, 366-A IPC as it is not a case of kidnapping. Respondent No. 3 is happily residing with petitioner No.1 as his wife in her matrimonial home, therefore, no offence under Sections 363, 366-A IPC is made out as it was a case of love marriage.

Accordingly, the present petition is allowed and FIR No. 28 dated 5.7.2015 registered under Sections 363,366-A IPC at Police Station City Ahmedgarh, District Sangrur along with all subsequent proceedings arising therefrom are quashed qua petitioners, namely, Gurpreet Singh, Balbir Singh and Baljeet Kaur.

January 19, 2016
pooja

(DAYA CHAUDHARY)
JUDGE