

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31541-2015

Date of Decision: September 2, 2016

Amardeep Yadav

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Naresh Gopal Sharma, Advocate,
for the petitioner.

Mr. Jatinder Singh Riar, AAG , Punjab,
for respondent No. 1.

Mr. Mahinder Singh, respondent No. 2-informant in person.

RITU BAHRI, J. (Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 79, dated 9.5.2015 (Annexure P-1), under Sections 363 and 366-A, IPC, registered at Police Station, Jamalpur, District Ludhiana.

The impugned FIR was registered with the allegation that the petitioner, Amardeep Yadav, had allured and enticed away the daughter of respondent No. 2-informant, namely, Jyoti Kumari.

Respondent No. 2-informant, who is also present in the Court, opposed the present petition stating that at the time when his daughter was abducted by the petitioner, she was a minor as her date of birth is 10.8.1998.

Jyoti Kumari, daughter of respondent No. 2-informant is present in person in the Court. On a specific query, she stated before this Court that she is staying with the petitioner as a wife at Ludhiana; she had solemnized marriage with the petitioner as per own sweet will and consent;

and that she does not want to accompany her father (respondent No. 2).

Learned counsel for the petitioner contends that the date of birth of Jyoti Kumari has been wrongly mentioned in the FIR as 10.8.1998, whereas as per the identity card (Annexure P-3), issued by the State of Bihar, her correct date of birth is 25.1.1996 and, thus, at the time of marriage, i.e. as on 28.3.2015, she was major, inasmuch as, her age was 19 years, 2 months and 3 days. Learned counsel further submits that in any case the petitioner is now a major and she can take decision about her life independently.

Learned counsel for the State has not raised any serious objection with regard to quashing of impugned FIR. He has very fairly admitted that Jyoti Kumari has become major as on date, even if her date of birth is taken as 10.8.1998, as claimed by respondent No. 2-informant.

Heard learned counsel for the parties and respondent No. 2-informant in person.

On a specific query, Jyoti Kumari stated before this Court that she is happily residing with her husband, Amardeep Yadav (petitioner) at Ludhiana and she does not want to accompany her father. After solemnization of marriage, the petitioner and Jyoti Kumari approached the Court of learned Sessions Judge, Ludhiana, and they were granted protection, vide order dated 5.8.2015 (Annexure P-2). However, vide order dated 31.8.2015 (Annexure P-4), passed by learned Additional Sessions Judge, Ludhiana, while deciding bail application of the petitioner, the date of birth of Jyoti Kumari was taken as 10.8.1998 and the said application was dismissed. But it remains an admitted fact that during pendency of this

petition, she has attained majority and she cannot be forced to accompany with her father (respondent No. 2-informant), who is present in the Court today, against her wishes. Keeping in view the fact that Jyoti Kumari has attained the age of majority, this Court felt that there is no need to verify the veracity of the identity card (Annexure P-3), issued by the State of Bihar.

In view of above, the present petition is allowed. The impugned FIR No. 79, dated 9.5.2015 (Annexure P-1), under Sections 363 and 366-A, IPC, registered at Police Station, Jamalpur, District Ludhiana, and all the consequential proceedings arising therefrom are quashed.

(RITU BAHRI)
JUDGE

September 2, 2016
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Whether Speaking/Reasoned:	YES / NO
Whether Reportable:	YES / NO