

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-No.41535 of 2013
Date of Decision: 07.12.2016

Sukhdev Masih @ Sukha Masih and othersPetitioner

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ritesh Pandey, Advocate for the petitioner.

Ms.Manpreet Dhaliwal, AAG, Punjab.

RITU BAHRI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.145 dated 09.08.2010 under Sections 363/366/34 IPC, registered at Police Station Dhariwal now Ghuman Kalan Distt. Gurdaspur (Annexure P-1) along with all consequential proceedings arising therefrom.

The FIR has been registered by the complainant with the allegations that petitioners with their common intention had enticed away his minor daughter-Pinky on the pretext to marry with Sukha Masih.

On issuing notice, reply has been filed by DSP, R-I, Gurdaspur, on behalf of respondent No.1. The same is taken on record. A perusal of reply shows that after registration of FIR, during the investigation, petitioners have been declared as proclaimed offender on 31.05.2013 and challan has been presented before the learned trial Court on 10.07.2013. It is further submitted in the reply that petitioner No.1 Sukhdev Masih and respondent No.3 namely Pinky had filed CRM-M-31414- of 2010 in this Court to protect their lives and liberty. This petition was disposed of on

26.10.2010 (Annexure P-2) by this Court by giving direction to respondent No.2 i.e. SSP Gurdaspur to look into the allegations as contained in this petition personally and take necessary steps in accordance with law if the situation so warrants. During the investigation of the above said case, the Investigation Officer collected the birth certificate of the respondent No.2- Pinky. As per birth certificate, the date of birth of respondent No.2 was 16.09.1995 which inflicted that she was below 16 years age at the time of incident.

Learned counsel for the State has informed the Court today that daughter of the complainant is residing with the petitioner and two children were born from this wedlock. He further states that petitioners had been declared as proclaimed offender and in compliance with the order dated 31.08.2015, they had appeared before the trial Court and their bail bonds were accepted by the trial Court.

Keeping in view the above and the fact that respondent No.2 is residing with the petitioner alongwith two children as a wife very happily and as of today she is 21 years old, the FIR No.145 dated 09.08.2010 under Sections 363/366/34 IPC, registered at Police Station Dhariwal now Ghuman Kalan Distt. Gurdaspur (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

07.12.2016
anil

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