

In the High Court of Punjab and Haryana at Chandigarh

CRM-M- 1064 of 2016
Date of Decision:21.3.2017

Rajnath Singh and others

---Petitioners

vs.

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.B.S.Sodhi, Advocate
for the petitioners

Mr. Mikhail Kad, AAG, Punjab

None for respondent No. 2

Rekha Mittal, J.

The petitioners pray for quashing of FIR No. 141 dated 22.10.2007 for offence punishable under Sections 363, 366-A, 120-B of the Indian Penal Code (in short “IPC”) registered at Police Station, Kot Ise Khan, District Moga and proceedings emanating therefrom.

Counsel for the petitioners has submitted that the instant FIR was registered at the instance of grand father of the alleged kidnapped girl namely Pardeep Kaur. Pardeep Kaur performed marriage with petitioner No. 1 on 6.12.2007 and she is leading a blissful married life with her

husband. It is further submitted that conjugal relationship between petitioner No. 1 and Pardeep Kaur gave birth to a child in December 2010 and the child is more than five years of age. Pardeep Kaur affirmed these facts in her duly sworn affidavit dated 21.12.2015, placed on record. It is vehemently argued that in view of background that Pardeep Kaur performed marriage with petitioner No. 1 and is residing in her matrimonial home with her husband and the minor child born out of the wedlock, continuation of criminal proceedings would aggravate misery of the alleged victim of the crime. In support of his contention, he has relied upon judgment of Hon'ble the Supreme Court of India *S.Varadarajan vs. State of Madras 1965 AIR (SC) 942* and judgment of Delhi High Court *Rukshana and another vs. Govt. of NCT of Delhi and others 2007(3) R.C.R.(Criminal) 542*.

Reply by way of affidavit of Lakhvir Singh, Deputy Superintendent of Police, Dharamkot, District Moga on behalf of respondent No. 1 filed in the Court, is taken on record.

Counsel for the State of Punjab in line with the averments set up in the reply has submitted that Pardeep Kaur was produced before the Illaqa Magistrate, Moga on 25.4.2008. After recording her statement, she was sent with petitioner No. 1. On completion of investigation, cancellation report was prepared and was submitted to the Illaqa Magistrate, Moga. Vide order dated 5.2.2014, the Court did not accept the cancellation report and ordered to re-investigate the matter. During re-investigation, Pardeep Kaur made a statement that she has solemnized marriage with petitioner No. 1 with her own consent and out of their wedlock, one son now aged about seven years was born and she is happily residing at her matrimonial home.

It has further been submitted that in view of statement made by Pardeep Kaur, again a cancellation report has been prepared and the same is likely to be submitted before the Illaqa Magistrate, Moga shortly. Counsel for the State has not disputed the factual assertions raised by counsel for the petitioners.

In view of submissions made by counsel for the parties when examined in the light of judgment of Delhi High Court **Rukshana and another (supra)**, I am convinced that criminal proceedings are required to be given a burial so that matrimony of the victim with petitioner No. 1 Rajnath Singh does not get disturbed due to pendency of criminal proceedings.

For the foregoing reasons, petition is allowed. FIR No. 141 dated 22.10.2007 for offence punishable under Sections 363, 366-A, 120-B IPC registered at Police Station, Kot Ise Khan, District Moga and proceedings emanating therefrom are ordered to be quashed.

(Rekha Mittal)
Judge

21.3.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No