

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

Crl. Misc. M 10507 of 2017 (O&M)
Date of decision: 1.8.2017

Sinderjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. KS Dadwal, Advocate,
for the petitioner.

Mr. MS Nagra, AAG, Punjab.

Mr. Abhay Sharma, Advocate, for
Mr. Naresh Kumar, Advocate,
for the complainant/respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 86 dated 12.6.2013 (Annexure P/1) registered under Sections 376 and 506 IPC at Police Station Model Town, District Hoshiarpur, and all subsequent proceedings arising therefrom with a further prayer that order dated 13.10.2015, whereby the petitioner has been declared as proclaimed person, be set aside.

The brief facts are that the aforesaid FIR came to be registered by the complainant against the petitioner. It was stated in the FIR that the petitioner made a promise to marry the petitioner and on that basis he developed physical relations with her without her consent. However, as the

petitioner failed to marry the complainant, she lodged FIR No. 86 dated 12.6.2013 at Police Station Model Town, District Hoshiarpur. On the basis of the FIR that was registered, proceedings were initiated against the petitioner and since the petitioner did not put in appearance before the Court, he was declared as a proclaimed person by order dated 13.10.2015.

Mr. K.S. Dadwal, learned counsel appearing on behalf of the petitioner would contend that the proceedings under the FIR are liable to be quashed on account of the fact that no such incident took place. In fact, the petitioner was always ready and willing to marry the complainant. It is also argued that the order dated 13.10.2015 by which he was declared as proclaimed offender is not sustainable on account of the fact that there was no compliance of Section 82 of the Cr.P.C. It is further submitted that the matter is now settled with the complainant and the petitioner who have got married on 9.6.2017 and they are living happily and would leave for Oman.

Learned counsel appearing on behalf of the complainant has admitted to the factum of marriage between the complainant and submits that he has no objection if the FIR is quashed.

I have heard learned counsel for the parties and have also perused the record of the case.

By order dated 25.5.2017, the contention of the petitioner was noted, in which it had been stated that the petitioner was ready to come to India and perform marriage with the complainant, which statement was supported by the complainant and her mother. By the same order, it was directed that the petitioner shall surrender before the Illaqa Magistrate

within 15 days and in case he does so, he shall be released on interim bail to the satisfaction of the Illaqa Magistrate. However, since the petitioner could not appear within the specified time, an application was moved seeking extension of 15 days period to do the needful, which application was allowed by order dated 7.7.2017.

Learned counsel for the petitioner submits that the petitioner has appeared before the Illaqa Magistrate on 14.7.2017 and furnished bail bonds/surety bonds, upon which he was released on interim bail. A copy of order dated 14.7.2017 is taken on record.

Today the matter was taken up for hearing and appearance has been put in by the complainant along with his wife, who stand identified by their respective counsels. Their statements have been recorded in Court today, where they reiterated the factum of their marriage. The complainant submits that she has married the complainant and intends to join him in Oman. The mother of the complainant is also present in Court and admits the factum of marriage between her daughter and the petitioner herein on 9.6.2017 and at the same time prays that the FIR be quashed so that her daughter could join the company of her husband in Oman.

In normal circumstances, an FIR registered for an offence under Section 376 IPC would not have been entertained, but in the instant case keeping in view the fact that the complainant admits to the factum of her marriage to the petitioner and wants to live with him in Oman, it would be in the interest of all concerned that the instant FIR is quashed.

Consequently, this petition is allowed and FIR No. 86 dated

12.6.2013 (Annexure P/1) registered under Sections 376 and 506 IPC at Police Station Model Town, District Hoshiarpur, and all subsequent proceedings arising therefrom and the order dated 13.10.2015, whereby the petitioner has been declared as proclaimed person, are quashed.

The petition stands disposed of.

1.8.2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No