

**226-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc. No. M- 11183 of 2017 (O&M)

Date of decision : December 22, 2017

Sukhjinder Singh

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Damandeep Singh, Advocate
 for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

LISA GILL, J.

Prayer in this petition is for quashing of order dated 24.12.2016 passed by the learned Judicial Magistrate First Class, Kharar (Annexure P-1) vide which respondent No. 4 – the alleged victim in FIR No. 0171 dated 23.12.2016 has been directed to be lodged at Nari Niketan, Jalandhar till she attains majority.

It is submitted that the petitioner and respondent No. 4 solemnised marriage on 18.12.2016 against the wishes of the parents of respondent No. 4. Consequently, FIR No. 0171 dated 18.12.2016 was registered at the instance of the father of respondent No. 4. Learned counsel for the petitioner had relied on a Division Bench judgment of the Delhi High Court in *Neetu Singh versus State 1999 (3) RCR (Criminal) 26*, to submit that even a minor girl cannot be lodged in Nari Niketan against her wishes.

It is informed that during the pendency of this petition, the matter has been amicably resolved and the parents of respondent No. 4 no longer have any objection to the marriage solemnised by the petitioner and respondent No. 4. It is submitted that they have no objection to respondent No. 4 being released from Nari Niketan and her custody being handed over to respondent No. 2, her legally wedded husband. Affidavits dated 20.11.2017 executed by Lal Singh son of Sh. Banarsi Dass and Karamjit Kaur wife of Sh. Lal Singh – parents of respondent No. 4, are on record of this file wherein it is specifically stated that they are happy with marriage of the daughter with the petitioner and they have no objection to the same.

It is informed that CRM-M-19191 of 2017 has been filed for quashing of the aforementioned FIR. The parents of the victim have filed their affidavits in the said petition as well.

Respondent No. 4, duly identified by Constable Arvinder Kaur, Nari Niketan, Jalandhar, is present in Court. She reiterates that she has solemnised marriage with the petitioner. Respondent No. 4 specifically states that she does not wish to continue living at Nari Niketan and wishes to live with her husband – petitioner.

Respondents No. 5 and 6 – parents of respondent No. 4 are present in Court. They too state that they have no objection whatsoever to their daughter accompanying the petitioner as she has duly solemnised marriage with the petitioner on 18.12.2016.

Keeping in view the peculiar facts and circumstances of the case, specifically the stand of the parents of respondent No. 4, but without expressing any opinion on the merits thereof, order dated 24.12.2016 passed

by the learned Judicial Magistrate First Class, Kharar (Annexure P-1) is set aside. Respondent No. 4 is free to accompany the petitioner as per her and her parents wishes.

Present petition is accordingly, disposed of.

December 22, 2017
rts

(Lisa Gill)
Judge

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