

CRM -M-13409 of 2015

In the High Court of Punjab and Haryana at Chandigarh

**CRM -M-13409 of 2015
Date of Decision: 27.4.2017**

Jagjit Singh @ Jaggi and others

---Petitioners

versus

State of Punjab and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vaibhav Narang, Advocate
for the petitioners**

Mr. Mikhail Kad, AAG, Punjab

Respondent No. 3 in person

Rekha Mittal, J.

The petitioners have prayed for quashing of FIR No. 105 dated 18.4.2015 for offence punishable under Sections 363, 366(A), 120-B of the Indian Penal Code (in short "IPC") registered at Police Station, Patti, District Tarn Taran and the proceedings emanating therefrom.

Counsel for the petitioners has submitted that Gurmeet Kaur wife of Sajjan Singh, respondent No. 2 lodged FIR on the allegations that her daughter aged 17½ years was enticed away by Jagjit Singh in connivance with Mukhtiar Singh and Manjit Singh, father and brother respectively of Jagjit Singh. It is further submitted that petitioner No. 1 and respondent No. 3 were known to each other, performed marriage on 17.4.2015 and since then they are residing as husband and wife. It is

vehemently argued that as petitioner No. 1 and respondent No. 3, after attaining the age of majority, performed marriage and stayed together as husband and wife, there is no question of the petitioners having committed an offence punishable under Sections 363, 366(A) IPC. Counsel further submits that as the parties have amicably settled their differences, no useful purpose would be served by continuation of the criminal proceedings.

Respondent No.3- the alleged kidnapped girl is present in the Court. Her affidavit filed in the Court is taken on record. A relevant extract from her statement recorded by the Court reads thus:-

“I was born on 11.4.1997 duly recorded in certificate of matriculation examination (Annexure P-3). According to my volition, I solemnized marriage with Jagjit Singh @ Jaggi on 17.4.2015. I have been residing with my husband and living a blissful married life. There is no child from our wedlock. My mother lodged false FIR No. 105 dated 18.4.2015 under Sections 363, 366(A), 120-B of the Indian Penal Code at Police Station, Patti, District Tarn Taran and the same is liable to be quashed in the interest of my matrimony. I have already sworn an affidavit dated 21.4.2015 (Annexure P-6) and the same may be read as a part of my statement.”

I have heard counsel for the petitioners and perused the records.

Taking into consideration the averments set up in the petition coupled with statement of respondent No. 3 when examined in the light of judgment of Hon'ble the Supreme court of India *S.Varadarajan vs. State of Madras 1965 AIR (SC) 942*, judgments of Delhi High Court *Rukshana*

and another vs. Govt. of NCT of Delhi and others 2007(3) R.C.R. (Criminal) 542 and Court On its Own Motion (Lajja Devi) VS. State, (Delhi) 2012 (4) R.C.R.(Civil) 821, continuation of criminal proceedings in the given circumstances would be nothing but an exercise in futility and that too at the cost of creating acrimony in the matrimonial relations of petitioner No. 1 and respondent No. 3 who have performed marriage and leading a happy married life. In this view of the matter, the criminal proceedings initiated at the instance of respondent No. 2 are liable to be put to an end and ordered accordingly.

For the foregoing reasons, the petition is allowed, FIR No. 105 dated 18.4.2015 for offence punishable under Sections 363, 366(A), 120-B IPC registered at Police Station, Patti, District Tarn Taran and proceedings emanating therefrom are ordered to be quashed qua the petitioners.

(Rekha Mittal)
Judge

27.4.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No