

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-14910 of 2016
Date of decision : 02.03.2017**

Amandeep and othersPetitioners
versus

State of Punjab and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Rakhi Sharma, Advocate
for the petitioners

Mr. Jaspreet Sekhon, AAG, Punjab

Mr. Karanjit Singh, Advocate
for respondent No. 3

RITU BAHRI, J. (Oral)

Quashing of FIR No. 40 dated 18.03.2015 under Sections 363/366-A IPC, registered at Police Station Bikhiwind, District Tarn Taran is being sought.

The allegations in the F.I.R are that complainant/respondent No. 2 alleged that her sister respondent No. 3-Priyanka who was minor girl of 17 years old has been enticed away by petitioner No. 1 for contracting marriage.

Learned counsel, *inter alia*, contends that petitioner No.1 solemnized the marriage with respondent No.3, who was a major and now she is in family way. The parents of her wife are against this marriage, being inter-caster marriage. She is happily residing with petitioner No.1 in her matrimonial home along with petitioner Nos.2 to 4 and no case under Sections 363 and 366-A IPC is made out against the petitioners.

Learned State counsel on instructions from ASI Lakhwinder

Singh states that respondent NO. 3 is residing happily with petitioner No. 1 in matrimonial home. Learned State counsel has further not disputed the fact that respondent No. 3 is now major, as per birth certificate (P-1) in which her date of birth is mentioned as 14.02.1997.

Keeping in view the fact that now respondent No. 3 has attained majority, as her date of birth is 14.02.1997 and is residing happily with petitioner No. 1, the present petition is allowed and FIR No. 40 dated 18.03.2015 under Sections 363/366-A IPC, registered at Police Station Bikhiwind, District Tarn Taran is quashed along with all consequential proceedings qua petitioners, in view of the judgment of the Hon'ble Supreme Court in cases **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429 and** the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052** as no useful purpose would be served in prolonging the litigation once the daughter of the complainant is residing happily with petitioner No. 1.

02.03.2017

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No