

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

**CRM-M-22501 of 2016
Date of Decision: 20.02.2017**

Daler Singh and Another

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Amrik S.Rattniya, Advocate, for the petitioners.

Ms.Mahima Yashpal, AAG, Haryana.

RITU BAHRI, J. (ORAL)

The prayer in the instant petition under Section 482 Cr.P.C. is for quashing of FIR No.65 dated 06.04.2016 under Section 363, 366-A IPC, P.S.Cheeka, District Kaithal (Annexure P-1) and all subsequent proceedings arising therefrom.

The petitioners have solemnized their marriage with their own consent against the wishes of their parents and family members. They have been granted protection by this Court vide order dated 26.05.2016 (Annexure P-2).

On issuing notice, reply has been filed by the respondent No.1-State. As per date of birth certificate Annexure R-1, Ravneet Kaur-respondent was 17 years old at the time of her marriage. It is further stated in the reply that respondent No.2 had also filed CRWP No.648 of 2016 for the release of detainee Ravneet Kaur-petitioner No.1 and further directions were issued by the High Court to trace and produce the respondent No.2 in the Court of Sh.Manoj Dahiya, JMIC, Kaithal on 23.07.2016. The detainee was produced before the said Court where, she stated that she had married with petitioner No.1 and has been residing with him happily. The custody of the petitioner No.2 was given to Punjab Police of Patiala District.

Now, when petitioner No.2 has appeared before this Court submits that she is happily residing with the petitioner.

At this stage, reference can be made to the judgment passed by

the Hon'ble Supreme Court in case of *S.Varadarajan Vs. State of Madras AIR 1965 SC 942* and this Court in *Gurmukh Singh Vs. State of Punjab 2013(1) RCR 514 and Palwinder Kaur and another Vs State of Punjab 2007 (3) RCR (Criminal) 402*, where, FIR registered under Section 363 and 366 IPC has been quashed in similar situation.

Keeping in view of the above and the fact that service of respondent No.2 has been effected but none has appeared on behalf of him, FIR No.65 dated 06.04.2016 under Section 363, 366-A IPC, P.S.Cheeka, District Kaithal (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners.

(RITU BAHRI)
JUDGE

20.02.2017
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>