

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

**CRM No.M-23909 of 2016 (O&M)
Date of Decision: December 05, 2017**

Chanprit Kaur and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Kaura, Advocate
for the petitioners.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.K.S.Brar, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Harjit Singh for quashing the FIR No.54 dated 05.11.2015 under Sections 380, 457 and 120-B IPC, registered at Police Station Khalra, District Tarn Taran and all the subsequent proceedings arising therefrom.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that it is a case of run away couple. As

per the petitioners, they have married against the wishes of parents of petitioner No.1 Chanprit Kaur. It is the case of the petitioners that they have filed a petition for protection before this Court on 04.11.2015, which was listed for hearing on 06.11.2015, which fact is not disputed at the time of arguments. The FIR was got registered by father of petitioner No.1 Chanprit Kaur by alleging that on the intervening night of 3/4.11.2015, Prabhjeet Singh came to his house at about 1.00 a.m. at night and with the connivance of Chanprit Kaur, they both have stolen cash of ₹5 lakhs and gold ornaments weighing 30 tolas, which were kept in *almirah*. This FIR was got registered on 05.11.2015.

Learned counsel for the petitioners argued that petitioners have solemnized their marriage on 03.11.2015 at Kharar far away from Tarn Taran and marriage certificate has been placed on record issued by Gurudwara Guru Nanak Niwas Sahib, Village Karor Kalan, Tehsil Kharar, which is Annexure P-2, according to which, the marriage of the petitioners was solemnized on 03.11.2015. If the marriage was solemnized on 03.11.2015 after running away from the house, then version given in the FIR that theft was committed by Chanprit Kaur and Prabhjeet Singh during the intervening night on of 3/4.11.2015 is false.

Furthermore, the filing of protection petition on 04.11.2015 after marriage on 03.11.2015 also shows that the parties were not at Tarn Taran and Chanprit Kaur petitioner No.1 was not present in the house of the complainant. It is not the case of the complainant that after solemnizing the marriage, Chanprit Kaur came to his house and then ran away after committing the theft. Moreover, learned State counsel informed this Court

that there is no recovery of any stolen article from the petitioners.

In view of the above marriage certificate Annexure P-2 and filing of petition on 04.11.2015 before noon, shows that the presence of the petitioners on the intervening night of 3/4.11.2015 at Tarn Taran is not possible. From the facts and circumstances of the present case, it looks that this FIR has been got registered due to grievance of the complainant that his daughter has performed marriage with petitioner No.2 without complainant's consent. The registration of the FIR in the present case is nothing but abuse of process of law.

Therefore, finding merit in the present petition, the same is allowed. FIR No.54 dated 05.11.2015 under Sections 380, 457 and 120-B IPC, registered at Police Station Khalra, District Tarn Taran and all the subsequent proceedings arising therefrom, are hereby quashed.

December 05, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No