

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

**CRM-M-30908-2016
Date of decision: 26.04.2016**

Gurpreet Singh @ Bablu

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Narinder S. Lucky, Advocate,
for Mr. H.S. Bal, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

Ritu Bahri, J.

Prayer in this petition is for quashing of FIR No.141 dated 13.07.2016, under Sections 363/366-A IPC and Section 3/4 of Protection of Children from Sexual Offences Act (Section 376 IPC added later on), registered at Police Station, Cantonment, District Amritsar (Annexure P-1).

The aforesaid FIR has been registered on the complaint made by Ramesh Kumar-respondent No.2 to the effect that his daughter namely Vasudha (aged about 16 years) was a student of 10th standard in Indian Public School, Ajit Enclave, Guntala Chowk, Ajnala road, Amritsar. On 10.07.2016, at about 7.00 A.M., she went out of the house to throw garbage in the street, but did not return back. Despite making a thorough search, she could not be found anywhere. The complainant had an apprehension that his daughter-Vasudha had been enticed and taken away by Gurpreet Singh

(petitioner) on the pretext of marriage. In this background, the FIR was got registered.

Learned counsel for the petitioner has argued that in fact, Vasudha (daughter of complainant) and petitioner were having a love affair and they wanted to marry each other. But, complainant was against this relation. Therefore, she left the house of complainant and accompanied the petitioner. Thereafter, they secretly performed marriage on 10.07.2016 against the wishes of their family members. This fact is evident from the marriage certificate and the photographs (Annexures P-2 and P-3 respectively). As complainant-respondent No.2 was against this marriage, he got lodged this FIR(Annexure-P1) against the petitioner. On coming to know about registration of the FIR, Vasudha-respondent No.3 (daughter of complainant) made a representation dated 28.07.2016 (Annexure P-4) to the Senior Superintendent of Police, Amritsar, stating therein that she had performed marriage with the petitioner at her own will. She is residing with the petitioner since the date of her marriage. Thereafter, a criminal complaint dated 13.07.2016 (Annexure P-5) was got registered by respondent No.3 against respondent No.2. Her statement was recorded in that complaint on 20.07.2016 (Annexure P-6), whereby she has reiterated that she has performed marriage with the petitioner at her own will and against the wishes of her parents, as her parents wanted to marry her with some other person.

Upon notice, reply on behalf of respondent No.1-State, by way of affidavit of Assistant Commissioner of Police, West, Amritsar, has been filed, wherein it has been stated that the date of birth of Vasudha-respondent No.3 is 12.12.2000. During investigation, the petitioner was arrested on

23.07.2016 and thereafter, respondent No.3 was recovered from his custody. After getting her MLR, it was found that she was subjected to sexual intercourse. Accordingly, offences under Section 376 IPC and Sections 3/4 of the Protection of Children from Sexual Offences Act were added in the FIR. Statement of the prosecutrix under Section 164 Cr.P.C. was got recorded before the Judicial Magistrate, Ist Class, Amritsar and the petitioner was remanded to judicial custody. It has been further stated that the order passed by this Court on 02.09.2016 was not received in the office of Commissioner of Police, Amritsar till 22.10.2016 and the challan had already been presented by that time. After presentation of challan, charges have been framed on 19.12.2016 and the prosecutrix has since been examined.

Learned State counsel, on instructions from HC Parminder Singh, states that the prosecutrix (respondent No.3) has turned hostile.

Petitioner along with respondent No.3-Vasudha is present in Court. On a specific query, respondent No.3-Vasudha states that she is happily residing with the petitioner as his wife.

Keeping in view that the prosecutrix (respondent No.3) has turned hostile before the trial Court and at present, she is happily residing with her husband (petitioner) in the matrimonial home since the date of her marriage, continuation of present criminal proceedings would be an abuse of the process of law and no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.141 dated 13.07.2016, under Sections 363/366-A IPC and Section 3/4 of Protection of Children from Sexual Offences Act (Section 376 IPC added later on), registered at Police Station,

Cantonment, District Amritsar, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands allowed of accordingly.

(RITU BAHRI)
JUDGE

26.04.2016
ajp

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