

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

CRM-M-30909-2017 (O&M)

Date of decision: 27.9.2017

Gurjinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.VK Dhiman, Advocate for the petitioner

Mr.NK Banka, DAG, Punjab

Mr.Bhupeshwar Singh Jaswal, Advocate
for respondent No.4.

JITENDRA CHAUHAN, J.

The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of First Information Report No.68 dated 11.5.2017 registered under Sections 363 and 366 of the Indian Penal Code at Police Station Morinda, District Roopnagar.

The facts in brief are that complainant -respondent No.4- Fauji made a statement that he has four children amongst them three daughters and one son. His eldest daughter, namely, Anjali aged about 17- year had gone to school on 10.5.2017 but did not return. When he enquired from the school, it was replied that his daughter did not come to school. He also enquired it from his relations, but she was not found

there. Thereafter, when he came to know that Gurjinder Singh s/o Amarjit Singh r/o Village Jalsa, near Sagar Hospital Banoor, District Patiala took her daughter by alluring her on the pretext of marriage. On the basis of said statement, First Information Report in question was registered against the petitioner.

Learned counsel for the petitioner contends that the daughter of the complainant, namely, Anjali, performed marriage with the petitioner with her own free will against the wishes of her father i.e. respondent No.4 and now both are cohabiting as husband and wife. She was 17 year and 4 months old at that time.

Petitioner and prosecutrix are present in Court. Prosecutrix states that she has been happily residing at her matrimonial home. The couple filed CRM-M-16979-2017 and this Court vide order dated 12.5.2017 disposed of the petition without making any direction in the nature of mandamus to the Senior Superintendent of Police, District Patiala to look into the representation (Annexure P4) moved by the petitioner and the prosecutrix.

Mr.Bhupeshwar S.Jaswal, Advocate has filed power of attorney along with reply on behalf of respondent No.4. The same is taken on record. He states that the prosecutrix is not major till date and despite that the petitioner has got married with her. Therefore, the marriage is not a valid marriage and the prosecutrix being minor, her custody should be handed over to her parents.

Heard.