

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

CRM-M-3191-2017 (O&M)

Date of decision: 12.10.2017

Harsimran Singh @ Harsimranjit Singh @ Peddu @ Happy and others
...Petitioners

Versus

State of Punjab and others
...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.HS Bedi, Advocate for the petitioners

Ms.Gulnoor Ghuman, AAG, Punjab

Mr.Navjeet Singh, Advocate for respondent No. 2

Mr.Vikas Gupta, Advocate for
Mr.Gurpreet Singh, Advocate for respondent No.3.

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.287 dated 20.10.2015 registered under Sections 363, 366, and 120-B of the Indian Penal Code (for short 'the IPC'), at Police Station Salem Tabri, District Ludhiana and all consequential proceedings arising therefrom.

In the reply filed by the State, it has been mentioned that during investigation, Section 376 IPC has also been added in the First Information Report.

Respondent No.3 -wife of petitioner No.1 is present in person. She submits that after marriage with petitioner No.1, she is happily residing in her matrimonial home. She further informs that now they have been blessed with a child. She has no objection, if the First Information Report in question is quashed.

I have heard the learned counsel for the parties.

The First Information Report in question was lodged by father of respondent No.3 against the present petitioners, who are the husband, parents-in-law and sister-in-law of respondent No.3. She had solemnized the marriage with petitioner No.1 on 14.9.2015 with her own sweet will and presently they are living as husband and wife and have been blessed with a child. With regard to the aforesaid facts, she has already filed an affidavit, wherein she has also stated that she has no objection in case the FIR in question is quashed. In her affidavit, respondent No.3 has averred that she was 19-year-old at the time of occurrence whereas her father -respondent No.2 had got recorded date of her birth as 6.9.1998 instead of 6.9.1996. though, no evidence has been brought on record to substantiate the averment made by respondent No.3, but the fact remains that she was 17 years of age on the date of occurrence and had reached the age of discretion.

Hon'ble the Supreme Court in **S. Varadarajan Vs. State of Madras, 1965 AIR (SC)942**, has observed as under:-

“9. It must, however, be borne in mind that there is a