

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

**CRM-M-34234-2017
Date of Decision: 06.12.2017**

Arun Kumar and another

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Saqib Ali Khan, Advcoate
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Sarvesh Gupta, Advocate
for respondents No. 2 and 3.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 04 dated 16.01.2016, registered under Sections 366 and 120-B of the Indian Penal Code at Police Station City-II, Malerkotla, District Sangrur and all subsequent proceedings arising therefrom.

Counsel for the petitioners contends that respondent No. 3 ran away from home on account of the fact that respondent No. 2, her maternal uncle, was forcibly getting her married against her wishes. In fact, petitioner No. 1 Arun Kumar and respondent No. 3 Vishali have solemnized marriage on 26.03.2017. It is contended that the FIR under the aforesaid sections is not sustainable.

Notice of motion was issued in this matter and appearance has been put in on behalf of respondents No. 2 and 3. Counsel for respondents No. 2 and 3 urged that they would have no objection in case the FIR in question is quashed.

Counsel for the respondent-State, on instructions from the Investigating Officer ASI Harnek Singh, submits that in fact petitioner No. 1 and respondent No. 3 have solemnized marriage and after investigation of the matter, a cancellation report has been prepared on 02.06.2017 and will be presented shortly. Petitioner No. 1 and respondent No. 3 are present in Court and they are identified by the Investigating Officer.

I have heard counsel for the parties and in view of the fact that respondent No. 3 herself has suffered a statement under Section 164 Cr.P.C. on 18.01.2016 that she had left her home of her own free will and, moreover, petitioner No. 1 and respondent No. 3 have performed marriage, this Court is of the opinion that no useful purpose would be served in allowing the proceedings to continue under the said FIR.

Therefore, FIR No. 04 dated 16.01.2016, registered under Sections 366 and 120-B of the Indian Penal Code at Police Station City-II, Malerkotla, District Sangrur and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

The petition stands disposed of.

06.12.2017

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No