

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

**CRM-M-35338-2015
Date of decision: 22.12.2017**

Kuljeet Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.S. Duggal, Advocate,
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Petitioners in person.

JAISHREE THAKUR, J. (ORAL)

1. This is a petition that has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 70 dated 28.09.2015, under Sections 363, 366-A and 120-B of the IPC, registered at Police Station Sadar Batala, District Batala and all subsequent proceedings arising therefrom.

2. In brief, petitioner No.1 is the wife of petitioner No.2. and petitioner No 2 Gurpreet Singh @ Gopi is the brother-in-law of one Jaswinder Singh, who solemnised a marriage with Kuljeet Kaur on 21.09.2015 as per Hindu rites and rituals. This was a love marriage between the two. The married couple, Kuljeet Kaur and Jaswinder Singh sought protection from this Court after filing **CRM-M-32830-2015** which was allowed by an order dated 24.09.2015. The mother of Kuljeet Kaur, namely,

Paramjeet Kaur got an FIR No. 70 dated 28.09.2015, registered under Sections 363, 366-A and 120-B of the IPC, at Police Station Sadar Batala, District Batala against the petitioners alleging that they had enticed her daughter from her paternal home in order to her to marry to Jaswinder Singh. The petitioners herein pray for quashing of the said FIR on the ground that they had no role to play in the daughter of the complainant running away or in kidnapping her, since she had left her paternal home of her own accord in order to solemnise a marriage with Jaswinder Singh.

3. Reply has been filed in the said petition in which it is submitted that the daughter of the complainant Kuljeet Kaur was about 17 years and 9 months on the date she left her paternal home, while admitting that daughter of the complainant and Jawinder Singh had solemnized a marriage.

4. Notice was also issued to the respondent No. 2 the complainant, who despite service has not put in an appearance.

5. Kuljeet Kaur daughter of the complainant has put in an appearance on the direction of the court and has also furnished an affidavit by way of filing **CRM-16535-2017**, stating therein she had left her paternal home at her own free accord and solemnized a marriage with Jaswinder Singh. It is also submitted that she is residing happily in her matrimonial home along with her husband and a male child and that she was not subjected to any kidnapping or abduction as stated in the FIR.

6. I have heard learned counsel for the parties and also the married couple, namely, Kuljeet Kaur daughter of the complainant and Jaswinder Singh and perused the FIR and the affidavit filed by the daughter of the complainant Kuljeet Kaur.

7. Prima facie this Court is of the opinion that this is a love

marriage between the daughter of the complainant Kuljeet Kaur and Jaswinder Singh, and being an inter caste marriage, is not acceptable to the parents of Kuljeet Kaur. In view of the categoric averments made by the prosecutrix that she was not kidnapped and she had left paternal home voluntarily, no case under Sections 363, 366-A and 120-B of the IPC is made out qua the petitioners herein.

8. In a judgment rendered in *State of Haryana Vs. Bhajan Lal 1992 AIR SC 604*, guidelines have been laid down when the courts exercising extra-ordinary power under Section 482 of the Code of Criminal Procedure, can interfere and quash a FIR. Primarily, such power should be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice. In the instant case when there is a categoric averment made in the affidavit filed and on a statement made in court by the daughter of complainant herself that she left of her own accord and was not kidnapped as alleged in the FIR, this becomes a fit case for interference by this court.

9. Consequently, keeping in view the fact that no useful purpose would be served in allowing the proceedings under FIR No. 70 dated 28.09.2015, under Sections 363, 366-A and 120-B of the IPC, registered at Police Station Sadar Batala, District Batala, therefore the same is quashed along with all subsequent proceedings arising out of the same qua the petitioners.

10. The petition stands allowed.

20.12.2017

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.