

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39301 of 2015
Date of Decision: 07.02.2017

Sonu and anr.

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.K.S.Kahlon, Advocate, for the petitioners.

Ms.Manpreet Dhaliwal, AAG, Punjab.

Mr.D.S.Sandhu, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.44 dated 16.03.2014 under Sections 363/366/376 IPC and Section 4 of POCSO Act, registered at Police Station City Gurdaspur, District Gurdaspur.

The FIR was got registered by the mother of respondent No.3 (Annexure P-1), with the allegation that on 12.03.2014 at 2 P.M., she was washing clothes and her daughter Deepika aged 17 years old and Gona Daughter of Suba Singh, resident of Sangalpura was also there. Then petitioner No.1 came on his motorcycle and enticed away her daughter-Deepika with the help of his sister Gona. She raised hue and cry and informed her husband. They apprehended that Sonu had lured her daughter for solemnizing the marriage with her. On the basis of this incident, FIR was registered and investigation was carried out.

As per reply filed by the respondent No.1, challan has been prepared by the SHO Police Station City Gurdaspur on 12.01.2015 and submitted in the Court on 23.01.2015. The charge has been framed by the learned Court on 17.08.2015 and the case was fixed for 10.04.2016 for prosecution evidence.

Petitioner is seeking quashing on the ground that daughter of the

complainant i.e. Deepika had given an affidavit Annexure P-4 that her date of birth is 14.01.1996 and she was major and she had solemnized her marriage with the petitioner of her own free will and consent and without any threat, pressure or coercion. They have approached this Court for protection which was granted to them vide order dated 21.03.2014 (Annexure P-5). Thereafter, a review application was filed in the said petition for protection and the parents of respondent No.2 had appeared before this Court and during the pendency of the recalling of Order proceedings the matter was amicably settled in the mediation centre of this court. The copy of the settlement dated 27.08.2015 between the parties (Annexure P-2) was attached with the file.

Counsel for the State has further informed that the date of birth of daughter of the complainant was 14.01.1997 as per record of the Municipal Committee.

Counsel for the complainant does not dispute the compromise between the parties in the mediation vide order dated 27.08.2015 (Annexure P-2) and they are residing as husband and wife.

Keeping in view of the facts and compromise dated 27.08.2015 (Annexure P-2), FIR No.44 dated 16.03.2014 under Sections 363/366/376 IPC and Section 4 of POCSO Act, registered at Police Station City Gurdaspur, District Gurdaspur is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

07.02.2017
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>