

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

Crl. Misc. No. M-42216 of 2016

Date of decision : 22.03.2017

Gurpreet Singh

.....Petitioner

versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vijay Kumar, Advocate
for the petitioner

Mr. A.P.S. Gill, AAG, Punjab

Mr. J.S. Bawa, Advocate
for respondent No. 3

RITU BAHRI, J. (Oral)

Quashing of FIR No. 005 dated 02.01.2016 under Sections 363/366 IPC (later on added Section 376 IPC and Section 4 of POCSO Act), registered at Police Station City Kharar, District S.A.S Nagar Mohali, is being sought.

The allegations in the F.I.R are that petitioner enticed away the daughter of respondent No. 3 on the pretext of marriage, who is below 18 years of age.

Learned counsel for the petitioner however submits that the petitioner has solemnized marriage with respondent No. 2. Petitioner and respondent No. 2 are present in the Court and on a specific query put by this Court to respondent No. 2, she states that she is residing happily with the petitioner in the matrimonial home and has been blessed with a child as

well.

Learned counsel for respondent No. 3 given an affidavit of respondent No. 3 in the Court today, which is taken on record. As per this affidavit, he has now no objection if the F.I.R be quashed against the petitioner, as the matter has been amicably resolved between the parties. The affidavit is with free will and without any pressure.

Even the date of birth of the respondent No. 2 is 21.07.1998 and she has attained majority and is residing happily with the petitioner.

Keeping in view the fact that now respondent No. 3 has no objection to the marriage of the couple and the fact that respondent No. 2 has attained majority and is residing happily with the petitioner, the present petition is allowed and FIR No. 005 dated 02.01.2016 under Sections 363/366 IPC (later on added Section 376 IPC and Section 4 of POCSO Act), registered at Police Station City Kharar, District S.A.S Nagar Mohali is quashed along with all consequential proceedings qua petitioner, in view of the judgment of the Hon'ble Supreme Court in cases **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429** *and* the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052** as no useful purpose would be served in prolonging the litigation since the daughter of the complainant is residing happily with the petitioner.

22.03.2017

G Arora

(RITU BAHRI)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No