

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

**CRM-M-44280-2016
Date of decision: 18.08.2017**

Patras @ Peeter

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gagandeep Singh Simble, Advocate,
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

None for respondent No. 2.

Mr. Tarun Singla, Advocate,
for respondent No. 3.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been preferred under Section 482 of Cr.P.C for quashing of the FIR bearing No. 86 dated 05.07.2016, under Sections 363 and 366-A of the IPC, registered at Police Station Division No. 2, District Pathankot.

2. In brief, the facts are that petitioner and respondent No. 3 solemnized their marriage on 05.07.2016 against the wishes of the parents of respondent No. 3 being an inter-caste marriage. Fearing a danger to their lives and liberty, they approached this High Court for protection by way of filing CRM-M-23224-2016, which was allowed by order dated 13.07.2016. In the meantime, the grandfather of respondent No. 3 got the aforesaid FIR registered alleging that his grand-daughter has been taken away by Peter, petitioner herein. In the said FIR, it was also mentioned that she had taken

away two *Tolas* of gold along with Rs. 50,000/-. The instant petition has been preferred for quashing of the aforementioned FIR on the ground that both, petitioner and respondent No. 3, are residing happily as a married couple since 05.07.2016 and no offence under Sections 363 and 366-A of the IPC are made out .

3. I have heard learned counsel for the parties and with their assistance have also perused the case file.

4. Admittedly, both petitioner and respondent No. 3 have solemnized the marriage, as reflected in the Marriage Certificate issued and annexed here as Annexure P-2. Counsel for respondent No. 2 affirms the fact of the marriage and informs this Court that the couple is residing happily. Notice issued to respondent No. 2/complainant, i.e. the grandfather of respondent No. 3, has been served upon him but despite service, he has failed to put in an appearance.

5. A reading of the FIR itself would indicate that respondent No. 3, the granddaughter of the complainant, seemed to have left willingly and on her own accord after taking a sum of Rs. 50,000/- and two *Tolas* of gold along with her. She also got married and thereafter approached this Court for protection fearing the wrath of her grandfather. In the case of ***Narinder Singh & others vs. State of Punjab & another***, reported as **(2014) 6 SCC 466**, it has been held “*While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases*”. Therefore, this Court is of the opinion

that since the parties are residing happily together as husband and wife, the proceedings initiated under the aforesaid FIR deserve to be quashed as continuation of the same would tantamount to harassment and would not amount to conviction.

6. Consequently, keeping in view the above facts and in view of the law laid down by the Hon'ble Supreme Court in ***Narinder Singh's case (supra)***, this petition is allowed and FIR No. 86 dated 05.07.2016, under Sections 363 and 366-A of the IPC, registered at Police Station Division No. 2, District Pathankot and all subsequent proceedings arising out of the same are quashed qua the petitioner.

7. The petition stands disposed of.

August 18, 2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No