

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

**CRM-M-43375 of 2015
Date of Decision: 07.02.2017**

Sunny Kumar

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.M.S.Atwal, Advocate, for the petitioner.

Ms.Manpreet Dhaliwal, AAG, Punjab.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.90 dated 18.08.2014, for the offence under Sections 363/366 (A) IPC registered at Police Station Mantiana, District Hoshiarpur (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of affidavit dated 16.12.2015 (Annexure P-6).

The FIR was registered on the basis of statement made by Surinder Kaur-respondent No.3 that she went to Mata Jawala Ji, Himachal Pradesh to seek blessing. Her daughter Amandeep Kaur-respondent No.2 was at her home and her date of birth is 25.07.1997. On 04.08.2014 when she returned from Mata Jawala Ji, her daughter was not present in home. The complainant/respondent No.3 searched a lot, but Amandeep/respondent No.2 was not found. It was found that Amandeep/respondent No.2 disappeared at the intervening night of 02/03.08.2014. The complainant had full belief that petitioner who was roaming around her house induced her daughter

Amandeep Kaur and took her away in order to marry with her.

Learned counsel for the petitioner submits that petitioner and respondent No.2 fell in love and got married against the wishes of their parents on 05.04.2014. Photo copies of the marriage and marriage certificate have also placed on record (Annexure P-2 colly). As per Aadhar Card, the date of birth of respondent No.2 is 01.01.1997. As per statement given by respondent No.2 (Annexure P-4), she has stated therein that she has solemnized her marriage with the petitioner with her own free will and without any coercion. In this, Sh.Gian Chand-father of the petitioner and his family members have never forced me to take this action. Kindly, they should not be harassed and neither to be tortured by going to their home

On notice, reply has been filed by the State. As per reply after completion of investigation into the above mentioned FIR, the final report was to be presented.

Learned counsel for the petitioner submit that challan has not yet been presented before the Court and no proclamation proceedings are pending qua the petitioner.

Keeping in view the date of birth of respondent No.2 i.e. 25.07.1997, she has attained her majority now and as per statement made by her in affidavit (Annexure P-6), she has solemnized marriage with the petitioner with her own free will and out of the said wedlock a girl child was born and she is residing with the petitioner happily.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full

Bench of this Court in the case of **Kulwinder Singh and others Vs. State**

of Punjab and another 2007(3) RCR (Cr1.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.90 dated 18.08.2014, for the offence under Sections 363/366 (A) IPC registered at Police Station Mantiana, District Hoshiarpur (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioner.

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>