

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6895 of 2016
Date of Decision: 20.02.2017

Money Aulakh @ Amritbir Singh

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.H.S.Brar, Advocate, for the petitioner.

Ms.Manpreet Dhaliwal, AAG, Punjab.

Mr.Gurmandeep Brar, Advocate, for respondents No.2 and 3.

RITU BAHRI, J. (ORAL)

The prayer in the instant petition under Section 482 Cr.P.C. is for quashing of FIR No.146 dated 09.12.2015 under Section 363, 366 IPC, registered at P.S. City Batala, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom.

The petitioner has solemnized the marriage with respondent No.3 on 09.12.2015 with their own consent against the wishes of their parents and family members. The date of birth of the petitioner was 14.05.1988 and respondent No.3 was mentioned 1996 as per their birth certificates (Annexure P-2 and Annexure P-3 respectively). They have been granted protection by this Court vide order dated 14.12.2015 (Annexure P-4) passed in CRM-M-42157 of 2015 titled as **Simmi Handa and another Vs. State of Punjab and Others.**

On issuing notice, respondent No.2 and 3 have put in appearance before this Court and state that the matter has been duly compromised with the family members and affidavit of

complainant/respondent No.2 has been filed before this Court. The same is taken on record. As per his affidavit, his daughter-respondent No.3 is major and she has solemnized the marriage with her own wishes and residing happily with the petitioner and he does not want to pursue the criminal proceedings. Respondent No.2 is present in Court today as identified by the Investigating Officer. Respondent No.2 has also submitted his Aadhar Card for identification.

At this stage, reference can be made to the judgment passed by the Hon'ble Supreme Court in case of *S.Varadarajan Vs. State of Madras AIR 1965 SC 942* and this Court in *Gurmukh Singh Vs. State of Punjab 2013(1) RCR 514 and Palwinder Kaur and another Vs State of Punjab 2007 (3) RCR (Criminal) 402*, where, FIR registered under Section 363 and 366 IPC has been quashed in similar situation.

Keeping in view of the above and the affidavit filed by respondent No.2, FIR No.146 dated 09.12.2015 under Section 363, 366 IPC, registered at P.S. City Batala, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner.

(RITU BAHRI)
JUDGE

20.02.2017
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No