

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

Crl. Misc. M 2455 of 2016 (O&M)
Date of decision: 22.2.2018

Daljeet Kaur and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Pankaj Maini, Advocate
for the petitioners.

Mr. K.S. Aulakh, DAG, Punjab.

Mr. Atul Kaushik, Advocate,
for respondent No.7.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 287 dated 30.12.2015 (Annexure P/1) registered under Sections 363 and 366 (A) IPC at Police Station Rajpura City, District Patiala and all subsequent proceedings arising therefrom.

The brief facts giving rise to the case is that respondent No.5—Gurdip Singh, lodged the present FIR alleging that his maternal uncle's daughter Manpreet Kaur @ Malky—respondent No.7, aged about 17 years, who was residing with them for studies, on 19.12.2015 left the house saying that she is going to get her mobile phone repaired but did not return home.

Later they came to know that Manpreet Kaur has been taken by Jatinder

Singh—petitioner No.5 with an intention to solemnize marriage with her by alluring her. He suspected that petitioners No. 1 to 4, who are mother, brother, sister-in-law of petitioner No.5 and one Gursharan Singh Budhu connived with each other played a role in taking away Manpreet Kaur by petitioner No.5 on the pretext of marriage.

Learned counsel for the petitioners contends that earlier on the same set of facts, on 25.10.2014 FIR No. 115 under Sections 363, 366 and 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 was lodged against the petitioners No. 1, 3 and 5 by respondent No. 5, in which investigation was carried out and petitioners No. 1 and 3 were found innocent, but challan was filed against petitioner No.5. However, after trial, respondent No.5 was acquitted of the charge, vide judgment dated 20.5.2015 passed by the learned Additional Sessions Judge, Patiala. Learned counsel further contends that in fact alleged kidnapped girl Manpreet Kaur—respondent No.7 has performed marriage with Jatinder Singh—petitioner No.5 on 28.12.2015 and they are leading a blissful married life. The present FIR is nothing but a sheer abuse of process of law with an intention to harass the petitioners.

Learned counsel appearing for respondent No. 7 admits the factum of marriage between Manpreet Kaur—respondent No.7 with Jatinder Singh—petitioner No.5 and submits that he has no objection, in case the FIR is quashed.

The whole controversy in the present case revolve around the question, whether in view of the fact that when Jatinder Singh—petitioner

No.5 and Manpreet Kaur—respondent No.7, who was allegedly kidnapped by Jatinder Singh, have performed the marriage and they are living together as husband and wife and when Jatinder Singh, against whom earlier also in the year 2014 a case under Sections 363, 366 and 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, was lodged, in which, after trial, he was acquitted, the present FIR is maintainable? The answer is in the negative.

It is apparently clear that almost on the same set of allegations, earlier FIR No. 115 dated 25.10.2014 under Sections 363, 366-A and 376 IPC was lodged against petitioners No.1, 3 and 5—Jatinder Singh by respondent No. 5—Gursewak Singh, in which investigation was carried out and petitioners No. 1 and 3 were found innocent but challan was filed against petitioner No.5 only, in which, after trial, he was acquitted. Once, the petitioner No. 5 has been acquitted of the similar set of allegations earlier in the year 2015, and his mother, sister-in-law were found innocent, the present FIR by another person, that is cousin of Manpreet Kaur is not sustainable and the same deserves to be quashed, particularly when Manpreet Kaur herself admits the factum of her marriage with Jatinder Singh and she has no objection to the quashing of the FIR. Needless to mention that Jatinder Singh and Manpreet Kaur, while admitting their marriage, had filed Criminal Misc. M 1340 of 2016 in this Court for protection to their life and liberty from the persons, who have lodged the aforesaid two FIRs against Jatinder Singh and his family members. This Court, vide order dated 14.1.2016 had granted the relief sought by Jatinder

Singh and Manpreet Kaur. It appears that the present proceedings arising out the FIR No. 287 dated 30.12.2015 are a sheer abuse of process of law and have been launched only to harass the petitioners.

For the reasons stated above, this petition is allowed and FIR No. 287 dated 30.12.2015 (Annexure P/1) registered under Sections 363 and 366 (A) IPC at Police Station Rajpura City, District Patiala and all subsequent proceedings arising therefrom are quashed.

The petition stands disposed of.

22.2.2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No