

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

CRM-M-25576 of 2016 (O&M)

Date of Decision: November 13, 2018

Gurjant Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed for seeking quashing of the FIR No.42 dated 13.06.2016 registered under Sections 363, 363-A, 366 of the Indian Penal Code at Police Station Sadar Rampura, District Bathinda and all subsequent proceedings arising therefrom and further for staying the proceedings pending before the trial Court during the pendency of the present petition.

In brief the facts of the case are that the aforesaid FIR came to be registered at the behest of the complainant-Sukhwinder Singh that his daughter had been kidnapped by one Gurjant Singh, the petitioner herein on the pretext of getting married. For the said allegations, the aforesaid FIR came to be registered against Gurjant Singh, the petitioner herein under Sections 363, 363-A, 306 of the Indian Penal Code.

Learned counsel for the petitioner herein prays for quashing of

the above-said FIR on the ground that the allegations as set out in the FIR pertaining to kidnapping are unwarranted since the petitioner and the daughter of the complainant solemnized a marriage and thereafter approached this Court for protection by way of filing CRM-M-21733 of 2016 in which protection was allowed. It is contended that after the said marriage the petitioner and the daughter of the complainant are residing happily together in the matrimonial home and the said marriage has been accepted by the complainant, who has suffered a statement before the Investigating Officer that he does not want to proceed the said matter. It is also argued that in the said FIR the challan has not been presented as on date and urged that the present petition may be allowed.

Reply by way of affidavit of Jaswinder Singh Chahal, PPS, DSP, Sub Division, Phul has been filed on behalf of respondent No.1. As per the reply filed, the accused petitioner filed anticipatory bail before the Sessions Court, Bathinda and vide order dated 11.07.2016, was granted interim bail with direction to surrender before the Investigating Officer. The accused petitioner joined the investigation and was arrested and released on bail on furnishing requisite surety.

Mr. R.S. Khaira, learned AAG, Punjab argued that the accused-petitioner has joined the investigation. During the course of the investigation, the statement of the prosecutrix and her father-complainant were recorded and the prosecutrix has stated that she has solemnized the marriage with the petitioner herein of her own free will and both of them are happily residing together. The complainant also has stated that since his daughter is residing happily with her in-laws and is happy in her married

life and ,therefore, he does not want to proceed against anyone in the criminal case.

I have heard learned counsel for the parties and have perused the pleadings of the case and the record along with the statement that had been suffered by Sukhwinder Singh-complainant herein.

Admittedly the marriage has been solemnized between the daughter of the complainant-Beant Kaur and the petitioner herein and both of them sought protection from this Court while apprehending displeasure at the hands of the father of Beant Kaur. As per the reply filed, it appears that the matter has been settled between the parties. A reading of the statement given by the complainant would reflect that the matter has been settled between the parties and he does not want to pursue the matter further. The parties have been residing happily together and it would be great injustice to them in case the proceedings under the FIR are allowed to continue against the petitioner. Continuation of the criminal proceedings would jeopardize their married life.

Accordingly the petition stands allowed and FIR No.42 dated 13.06.2016 registered under Sections 363, 363-A, 366 of the Indian Penal Code at Police Station Sadar Rampura, District Bathinda and all subsequent proceedings arising therefrom are quashed.

November 13, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No