

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

CRM-M-27800-2017

Date of decision: 11.01.2018

Mukhtiar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kapil Aggarwal, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

1. This is a petition that has been filed under Section 482 Cr.P.C. for issuance of a direction to the official respondent No.1 to 3 to get the age of the prosecutrix i.e. respondent No.4 verified and after verification take legal action against respondent No.5 Rachhpal Singh as per law.

2. The petitioner herein is the father of respondent No.4, whose daughter is Kirna Rani. The prosecutrix herein got FIR No. 12 dated 05.02.2017, registered under Section 376 IPC at Police Station Lakho Ke Bahram, District Ferozepur against one Rachhpal Singh respondent No.5, alleging that he had committed the offence of rape upon her. Thereafter, respondent Nos. 4 and 5 approached this High Court by filing Criminal Miscellaneous No. M-11162 of 2017 seeking protection of their life and liberty. The said petition was disposed of by order dated 31.03.2017 with a direction to the authorities concerned to look into the matter. Thereafter, another Criminal Miscellaneous No. M-15076 of 2017 titled as 'Rachhpal Singh vs. State of Punjab and another', was filed in the High Court, in which it was alleged that the parties were residing happily together after solemnization of the

marriage and in fact the FIR had been registered under the pressure of her parents. This Court after taking note of the fact that the complainant herself had stated that she would have no objection if the FIR is quashed and holding the compromise to be valid and genuine, quashed the FIR and all consequential proceedings arising thereunder by order dated 25.05.2017.

3. Learned counsel for the petitioner urges that prosecutrix was aged 16 years as would be evident from the birth certificate issued by the Chowkidar of the village and in this way the complainant was a minor on the date of solemnization of marriage and, therefore, the said marriage is illegal. It is prayed that the complainant herself has raised serious allegations of rape against Rachhpal Singh-respondent No.5 and, therefore being a minor, the matter needs to be investigated.

4. I have heard learned counsel for the petitioner and find that there is no ground to interfere in the matter. The FIR proceedings stand quashed as far back as 25.05.2017 and it is only thereafter the instant petition has been filed seeking a direction for verification of the age of the complainant, the daughter of the petitioner. Even taking the worst case scenario, the daughter of the complainant was minor at the time she solemnized the marriage, at best it could be held to be a voidable marriage and can be set aside at the behest of the parties.

5. Finding no merit in the instant petition, the same is dismissed leaving it open to the petitioner to invoke appropriate remedy in accordance with law.

11.01.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.