

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-29664-2016

Date of decision: 21.11.2018

Simranjeet Singh Gill and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. PS Jammu, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., petitioners, namely; Simranjeet Singh Gill and Amritpal Kaur, have prayed for quashing FIR No. 128 dated 23.07.2016 (Annexure P-1) registered under Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956 (SIT Act renamed) and Section 120-B IPC at Police Station Moga City, District Moga and all the subsequent proceedings arising therefrom.

In nutshell, on 23.07.2016, on the basis of secret information that M/s Mehtab Hotel, was running a sex racket and booking rooms for immoral trafficking, the police conducted a raid and 7 boys with 7 girls including the petitioners, were found in compromising position in different rooms. Therefore, they along with three attendants were booked vide aforesaid FIR (Annexure P-1) and were sent for trial.

By placing on record marriage certificate dated 02.10.2016, issued by Gurudwara Shri Kalgidhar Shaib, Bathinda along with 12 photographs of marriage of the petitioners, learned counsel for the petitioners *inter alia* contends that both the petitioners were not stranger to each other. Rather had gone to meet after finalization of their proposal of marriage with each other. Consequently, their ring ceremony was solemnized on 14.08.2016, as per certificate dated 15.08.2016 (Annexure P-2) issued by Hotel Finlandia, Moga and marriage was solemnized on 02.10.2016. Petitioner No. 1-Simranjeet Singh Gill, is the husband of petitioner No. 2-Amritpal Kaur and, thus, they were not indulged in any sexual activity.

Considering the peculiar facts and circumstances of the case, the instant petition is allowed. FIR No. 128 dated 23.07.2016 (Annexure P-1) registered under Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956 (SIT Act renamed) and Section 120-B IPC at Police Station Moga City, District Moga and all the subsequent proceedings arising therefrom, qua the petitioners only are quashed.

November 21, 2018

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No