

204.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26279-2017

Date of decision:02.05.2019

HAPPY @ HARPREET SINGH

... Petitioner

versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gaurav Rana, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

None for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.33 dated 07.02.2016 registered under Sections 363/366 of IPC at Police Station Jodhewal, District Ludhiana City.

Counsel for the petitioner has argued that the aforesaid FIR was registered at the behest of Baljinderpal @ Bittu, who is maternal uncle of respondent No.3-Manjot Kaur. Since petitioner No.1 was having love affair with respondent No.3, they decided to solemnize marriage against the wishes of the complainant party and on 09.03.2016, they solemnized marriage. Thereafter, they approached this Court by way of CRM-M-8911-2016 titled as "Happy and another Versus State of Punjab and others" and this Court vide order dated 14.03.2016 disposed of the said petition with a

the petitioners. Since respondent No.2 was against this marriage, the FIR was registered. He has further argued that out of the wedlock of the petitioner and respondent No.3, a girl child was born to them on 05.10.2018.

Learned State counsel has filed the status report by way of affidavit of Mukhtiar Rai, PPS, Assistant Commissioner of Police (North), Ludhiana, in court today on behalf of respondent No.1-State of Punjab, which is taken on record. He has drawn attention of this Court to paras 8 and 9 of the status report, which are reproduced as under:-

“That on 21.02.2019 I.O. Sub Inspector Balbir Singh No.920/HPR produced the respondent No.3 Manjot Kaur @ Mona before the Hon'ble Court of Sh. Jasbeer Singh, JMIC, Ludhiana where she recorded her statement u/s 164 of Cr.P.C. stating that she does not want to take any action against the petitioner Harpreet Singh @ Happy and the present FIR be closed. She has already solemnized marriage with the petitioner and from this wedlock she has one daughter.

9. That all the efforts of the investigation agency to trace the accused has been proved to be futile till date. The accused is still at large. The investigation is still going on and after completion of the investigation the challan/final report u/s 173 of Cr.P.C. will be presented before the Ld. Illaqa Judicial Magistrate, Ludhiana.”

I have heard learned counsel for the parties.

Paras 8 and 9 reproduced above does reflect that respondent No.3 has appeared before the Judicial Magistrate Ist Class, Ludhiana and suffered a statement under Section 164 Cr.P.C. that she does not want to take any action against the petitioner-Harpreet Singh @ Happy and no action be taken on the FIR.

Since the parties have solemnized marriage and out of the wedlock, a child was born to them, this Court finds that no further action is required to be taken in the present petition, as the petitioner and respondent No.3 are living together as husband and wife and they are major.

In view of above, the present petition is allowed and the F.I.R. No.33 dated 07.02.2016 registered under Sections 363/366 of IPC at Police Station Jodhewal, District Ludhiana City, is quashed qua the petitioner.

(HARI PAL VERMA)
JUDGE

02.05.2019
sanjeev

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