

204.

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

CRM-M-31743-2016

Date of decision:12.03.2019.

PARDEEP KUMAR AND ANR.

... Petitioners

versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Mohd. Salim, Advocate,
for the petitioners.

Ms. Jaspreet Kaur, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.8 dated 11.01.2016 registered under Sections 363/366 of IPC at Police Station Mehatpur, Jalandhar City, District Jalandhar.

The aforesaid FIR was registered at the behest of respondent No.2, who is father of petitioner No.2, alleging therein that on 09.01.2016, when the wife of complainant had gone out for job, his daughter Rajwinder Kaur (petitioner No.2) missed the College on that day. When the complainant returned back at about 12:30 PM, he found his daughter missing, for which, her search was made from the relatives/neighbourhood, but she was not found. Subsequently, he came to know that she has been

On the registration of FIR, police has prepared challan and as a result thereof, charges have been framed.

Counsel for the petitioners has argued that the petitioners had approached this Court by way of CRM-M-30914-2016 titled as “Rajwinder Kaur and another Versus State of Punjab and others” in order to seek protection to their life and liberty, as they had solemnized marriage against the wishes of their parents. This Court, vide order dated 02.09.2016, had disposed of the said petition with a direction to the police authority to consider and decide the representation of the petitioners within the framework of law. In this manner, protection was granted to the petitioners. The very FIR registered against the petitioners is, therefore, liable to be set aside for the reason that the petitioners are staying together as husband and wife and out of their wedlock, a daughter was born to them on 28.06.2017.

Notice in the case was served upon respondent No.2, but despite service, no one appeared on his behalf.

Learned State counsel, on instructions from ASI Baljit Singh, states that after submission of challan, charges have been framed and two witnesses have been examined. Respondent No.2 and his wife have been examined-in-chief, but their cross-examination is yet to be conducted. State counsel has also produced a copy of receipt regarding deposit of cost pursuant to the order dated 03.12.2018, which is taken on record.

Petitioner No.2 is present in person and when interacted, she has outrightly stated that she is staying happily with petitioner No.1 who is her husband and has no grouse against him. Out of their wedlock, a daughter was born to them.

Considering the fact that the parties are staying together as husband and wife and out of their wedlock, a daughter was born to them and more particularly when respondent No.2 has not come forward despite having been served in the case, this Court finds that the FIR against the petitioners deserves to be quashed as they are staying together as husband and wife.

In view of above, present petition is allowed and FIR No.8 dated 11.01.2016 registered under Sections 363/366 of IPC at Police Station Mehatpur, Jalandhar City, District Jalandhar, is quashed qua the petitioners.

(HARI PAL VERMA)
JUDGE

12.03.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.