

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

CRM-M No.33987-2016

Date of decision :29.08.2019

Devender and another

..... Petitioners

Versus

State of UT Chandigarh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Subhash Kumar, Advocate for the petitioners.

Ms.Ashmia Mor,APP for UT Chandigarh.

Mr.Roopam Jain, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 Cr.P.C.is for quashing of FIR No.15 dated 01.02.2016, under Sections 363, 366 IPC,registered at Police Station Sector 11, Chandigarh. Later on offence under Sections 366A and 120-B IPC was also added in the case.

The aforesaid FIR was registered at the behest of respondent No.2 which reads as under:-

“To the SHO, Police Station Sector 11, Chandigarh,Sub Complaint against Dr.Ravinder Parshad r/o H.No.238, Sector 25, Chandigarh., R/Sir, it is submitted that with due regards that I Leela Devi w/o Sh.Ram Saroop, residing in House No. 106, Sector 25, Dainik Bhaskar Colony, Chandigarh. My daughter namely Roshni age about 16 plus who also residing with us is missing from 27th Jan 2016 from our house

without any information or enquiry. I come to know that my daughter went away with Dr.Ravinder Parshad who has been misled by him to get married with him. Moreover I also come to know about this fellows that he is already married person. Since that incident he is also not staying with his family. The said kidnap my daughter for luring that he will get married with her. So you are requested to kindly take necessary action in this regards. Thank you, your truly, Leela Vanti, r/o House No.106, Sector 25, Chandgiarh, Mobile No. 7508578942 dt.01.02.2016.”

Learned counsel for the petitioner has argued that Roshni, who is daughter of respondent No.2, and petitioner No.1-Devender had approached this Court by way of CRM-M-33252-2015, so as to seek protection of their life and liberty as they had solemnised marriage against the wishes of the parents of the girl and this Court vide order dated 01.10.2015 disposed of the said petition with a direction to the Senior Superintendent of Police, UT Chandigarh to consider the representation so submitted by the petitioners in that petition and to issue necessary orders, as warranted by law, so as to ensure that no harm is caused to the life and liberty of the petitioners. Counsel has further argued that so far as petitioner No.2 is concerned, he has no role and he was simply a friend of petitioner No.1, but in order to put pressure upon him, he has also been arrayed as accused in the FIR. Even the police was aware about the whole episode that the case registered against the petitioner is false and had been registered under the influence of respondent No.2 and her husband, who are parents of Roshni. Even Roshni has got her statement recorded before the

Magistrate wherein she had stated that she was not interested to go with her parents as she had solemnised marriage with Devender. Reference to statement Annexure P-6 has been made in the petition. It is submitted that out of this marriage between Roshni and Devender, there is a son who is with petitioner No.1-Devender and he is maintaining him.

Learned counsel for the complainant-respondent No.2 has argued that in fact, Roshni though has been shown to be married with petitioner Devender, as reflected in the protection order passed by this Court, but in fact she stayed through out with Ravinder. The child born to her is of Ravinder, Ravinder is the biological father of the child so born to Roshni Roshni could not solemnise legal marriage with Ravinder, as he was already married. Therefore, in order to cover up this drawback, Ravinder has succeeded in getting Roshni married to Devender in papers but for all intents and purposes, Roshni is wife of Ravinder. In this manner even Devender has also connived with co-accused Ravinder so as to cover up this relationship. Roshni died on 23.12.2017 on account of tuberculosis.

Learned APP has produced statement of Roshni recorded under Section 164 Cr.P.C. by the JMIC, Chandigarh on 15.02.2016 wherein she stated that her parents used to torture her and, therefore, she left the house. The parents wanted to call her back but she had gone with Dr.Ravinder to seek his help and to stay away from her parents who used to trouble her. She stated that deceased was under the influence of accused Dr.Ravinder.

Having heard counsel for the parties and considering the fact that there are allegations against the petitioner, this Court finds that challan

in this case was presented and on completion of necessary formalities, proceedings would start. Noticing the fact that the police has already prepared challan against the accused, this Court finds that the true facts can be established only during the trial.

Thus no ground to quash the FIR is made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

29.08.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No