

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

CRM-M-4017-2018

Date of decision:5.11.2019

Sukha Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Arora, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Jagjeet Singh, Advocate for
Mr. Kuldeep Kaur, Advocate
for respondent No.3.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek quashing of FIR No.143 dated 1.10.2014 under Sections 363, 366-A, 120-B IPC & Sections 4 & 6 POCSO Act (offence under Section 376 IPC added later on), Police Station Sarhali, District Tarn Taran and subsequent proceedings emanating therefrom.
2. The FIR was lodged at the instance of Sukhwinder Kaur wherein it has been alleged that on 26.9.2014 her daughter Amandeep Kaur (respondent No.3) had gone to school but she did not return back. Although the complainant and others tried to find her but she could not be traced and later they got to know that complainant's daughter never reached her school on the said date. The complainant suspected that her daughter had

been enticed away by Sukha Singh a resident of her village in connivance with Jagjit Singh and Hardeep Singh with an intention of solemnising marriage with her.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that it is a case where the complainant's daughter i.e. respondent No.3-Amandeep Kaur had left her home out of her own accord and free will and had solemnized marriage with petitioner No.1-Sukha Singh. It has further been submitted that since pursuant to their marriage they apprehended threat from family of respondent No.3-Amandeep Kaur and they were constrained to approach this Court seeking protection by way of filing CRM-M-33881-2014 (O&M) wherein vide order dated 30.09.2014, Senior Superintendent of Police, Tarn Taran was directed to look into the matter as regards threat perception to petitioner No.1-Sukha Singh and Amandeep Kaur.
4. Learned counsel for the petitioners has submitted that the complainant's daughter is residing happily with petitioner No.1-Sukha Singh till date and is presently aged about 22 years. Learned counsel has also drawn attention of this Court to the statement of respondent No.3-Amandeep Kaur (Annexure P-3) recorded during the course of trial wherein she has categorically stated that petitioner No.1-Sukha Singh had never kidnapped her against her wishes and had never committed rape upon her. Learned counsel has thus submitted that in view of the aforestated position, no useful purpose would be served by forcing the petitioner to face the trial and has prayed for quashing of the FIR and all the consequential proceedings arising thereof.

5. On the other hand, learned State counsel has submitted that trial is at its fag end and since the complainant's daughter was barely aged 17 years at the time of her abduction, no case for quashing of FIR is made out.
6. I have considered rival contentions addressed before this Court. In view of the aforesaid position of facts, it is apparent that complainant's daughter left her home on her own accord and had solemnized marriage with petitioner No.1 with whom she is residing at present as his wife. She has not even supported the case of prosecution when her statement was recorded. Consequently, no useful purpose would be served by continuing with the trial as the same would be an exercise in futility especially in view of the statement of the complainant's daughter recorded during the course of trial. In backdrop of said factual position, this case is a fit case for quashing of FIR and consequential proceedings emanating therefrom. The petition as such is accepted and FIR No.143 dated 1.10.2014 under Sections 363, 366-A, 120-B IPC & Sections 4 & 6 POCSO Act (offence under Section 376 IPC added later on), Police Station Sarhali, District Tarn Taran and consequential proceedings emanating therefrom are hereby quashed.

(GURVINDER SINGH GILL)
JUDGE

5.11.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No