

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45300-2019 (O&M)

Date of Decision:- 21.11.2019

Sona Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Chhabra, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking quashing of FIR No.92, dated 13.7.2019, registered at Police Station Kabarwala, District Sri Muktsar Sahib, under Sections 363, 366 of Indian Penal Code, 1860.
2. The FIR was lodged at the instance of Ram Kumar wherein it has been alleged that his daughter Ms. Kajal, aged about 18-19 years went missing from home on 12.7.2019 and although they made efforts to look for her but she could not be found. It is alleged that

the complainant suspected that his daughter had been enticed away by Sona Singh on the pretext of solemnizing marriage.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the complainant's daughter had voluntarily left her house and has solemnized marriage with the petitioner. The petitioner as well as Ms. Kajal i.e. complainant's daughter are present in person. Ms. Kajal has been duly identified by ASI Baljinder Singh. Statement of Ms. Kajal has been recorded to the following effect:

“I had left my parental home on 12.7.2019 on my own accord and out of my free will and have solemnized marriage with Sona Singh out of my free will, without there being any pressure or coercion of any sought.

The FIR was registered against Sona Singh at the instance of my father as he was opposed to my marriage with Sona Singh. Since, I and Sona Singh apprehended threat to our lives at the instance of my family, we had approached this Court seeking protection by way of filing CWP-21864-2019. I am residing happily with my husband Sona Singh. I have no objection in case the aforesaid FIR is quashed.”

4. The aforesaid statement clearly shows that Ms. Kajal, aged about 18-19 years had left home out of her own free will and was not abducted or enticed away by anybody and in fact had solemnized marriage with the petitioner and after their marriage they had also approached this Court seeking protection by way of filing CWP-21864-2019.
5. The aforesaid circumstances clearly show that Ms. Kajal had not been abducted by the petitioner so as to constitute any offences under

Sections 363 and 366 IPC. Consequently, the present petition is allowed and FIR No.92, dated 13.7.2019, registered at Police Station Kabarwala, District Sri Muktsar Sahib, under Sections 363, 366 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioner.

November 21, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No