

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-10539 of 2017

Date of Decision: 24.02.2020

Kashish Duggal

...Petitioner (s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Kushagra Mahajan, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. K.S. Dargan, Advocate for
Mr. Gaurav Mannan, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.126 dated 21.03.2017 under Sections 363/366A IPC registered at Police Station Civil Lines, District Amritsar and all consequential proceedings arising therefrom.

Learned counsel for the petitioner while referring to certificate dated 06.05.2016 issued by Council for Indian School Certificate

Examination, New Delhi (Annexure P-2) and affidavit dated 24.03.2017 (Annexure P-3) of respondent no.2-Kriti, wife of the petitioner, submits that the date of birth of respondent no.2 is 15.03.1999 and in this manner, as on the date when the petitioner and respondent no.2 had solemnized marriage, they were major.

However, learned State counsel while drawing the attention of the Court to reply by way of affidavit of Surinderpal, PPS, Assistant Commissioner of Police, North, Amritsar City submits that as per the birth certificate issued by the Registrar, Births and Deaths, Municipal Corporation, Amritsar, the date of birth of respondent no.2-Kriti is 15.03.2000.

Learned counsel appearing on behalf of respondent no.2 submits that respondent no.2-Kriti has performed her marriage with the petitioner and they are staying together happily as husband and wife and one child has also born to them.

Nobody has put in appearance on behalf of respondent no.3 despite having been served in the case.

After hearing learned counsel for the parties and considering the fact that the petitioner and respondent no.2 have solemnized marriage and from this wedlock, a child has also been born to them, this Court feels that no useful purpose would be served to continue with the trial, as it will disturb the matrimonial life of the parties. Reference may be made to judgment of this Court in the case of **Dharamvir @ Sabhi Vs. State of Punjab & others 2011(5) RCR (Criminal) 700**, wherein the girl, who was of 17½ years of age, had though solemnized marriage with the petitioner-

therein with her free will but against the wishes of her parents and in the said case, it was held that since it was established that the marriage was solemnized with the consent of the girl and she was residing with the petitioner-therein and leading a happy married life, no offence under Sections 363 and 366A IPC is made out against the petitioner-therein.

Accordingly, the present petition is allowed and FIR No.126 dated 21.03.2017 under Sections 363/366A IPC registered at Police Station Civil Lines, District Amritsar and all consequential proceedings arising therefrom are quashed *qua* the petitioner.

February 24, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No