

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-25955-2018

Date of Decision:28.01.2020

Gurpreet Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

**Present: Mr. Nagar Singh, Advocate,
for the petitioner.**

**Ms. Ruchika Sabharwal, AAG, Punjab,
for respondent No.1.**

None for respondent No.2.

**Mr. Jasbir Singh Mohri, Advocate,
for respondent No.3.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.32 dated 16.04.2018 under Sections 363, 366-A IPC, registered at Police Station Kot Ise Khan, District Moga(Annexure P-6) and all the consequential proceedings arising therefrom.

Power of attorney filed on behalf of respondent No.3 today in the Court, is taken on record.

The aforesaid FIR was registered at the behest of respondent No.2-Nirmal Singh. As per FIR, in the intervening night of 7/08.04.2018, petitioner took away his daughter respondent No.3-Mandeep Kaur from the house after giving some intoxicant substance to her. Earlier also he has

taken away his daughter for which FIR No.14 dated 31.01.2017 under Sections 363, 366-A, 120-B IPC, Police Station Kot Ise Khan, District Moga, was registered against him and respondent No.3 was recovered and she started residing at her maternal village. The petitioner undertook that he will not chase the girl.

Learned counsel for the petitioner has argued that respondent No.3 has attained the age of majority and petitioner and respondent No.3 have solemnized marriage. Even the parties have approached this Court, so as to seek protection to their life and liberty having solemnized marriage and this Court vide order dated 26.04.2018 passed in **CRM-M-17432-2018 (Mandeep Kaur and another Versus State of Punjab and others)** had disposed of the said petition with a direction to respondent No.2 in the protection-petition to look into the grievance of the parties i.e. petitioner and respondent No.3. He states that the parties are staying together as husband and wife and respondent No.3 has attained the age of majority, no useful purpose would be served if the proceedings are alive. Moreover, from the wedlock, they have been blessed with a child and for the similar set of circumstances, FIR No.14 dated 31.01.2017 was registered against the petitioner and in the said FIR, he has been acquitted on 21.02.2019.

Notice of motion in this case was issued to respondent No.2 on whose behalf the present FIR was registered. But he has not come present despite service.

At this stage, learned counsel for respondent No.3 submits that the petitioner and respondent No.3 are staying together as husband and wife and they have been blessed with a child. Since respondent No.3 has attained majority, on instructions from his client who is present in the Court,

he states that she has no objection if the present FIR registered against the petitioner-accused is quashed.

Learned State, on instructions from HC Harjeet Singh, fairly submits that the petitioner and respondent No.3 are staying together as husband and wife.

In view of the fact that the parties have solemnized marriage, they are staying together as husband and wife and they have been blessed with a child, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Accordingly, the present petition is allowed and FIR No.32 dated 16.04.2018 under Sections 363, 366-A IPC, registered at Police Station Kot Ise Khan, District Moga(Annexure P-6) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner, subject to payment of costs of ₹10,000/- to be deposited by the petitioner, within a period of one month from today with the **Bar Association** of this Court.

January 28, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No