

CRM-M-32274-2020

Date of Decision: 25.11.2020

Mustaq and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Liaqat Ali, Advocate, for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

On 10.11.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioners seek quashing of FIR no.102, dated 15.12.2019, registered at Police Station Shahpur Kandi, District Panthankot, alleging therein the commission of offences punishable under Sections 376-D and 506 of the IPC as also Section 6 of the Protection of the Children from the Sexual Offences Act, 2012, and all other subsequent proceedings arising therefrom on the basis of compromise dated 27.12.2019.

Learned counsel for the petitioners submits that in fact petitioner no.1 has now married the prosecutrix, i.e. respondent no.2, with the Nikah ceremony having been performed in the Sub-Jail, Pathankot, on February 06, 2020.

Learned counsel appearing for respondent no.2 does not deny the factum of that marriage.

Learned counsel for the petitioners also submits that though respondent no.2 is slightly above 17 years of age, however the said marriage is obviously sanctioned in terms of Muslim Personal Law.

Whereas that obviously is so, however, counsel for the parties would address arguments as to why, even if the present FIR is to be quashed on the basis of the above fact (if respondent no.2 testifies to that effect before the Judicial Magistrate), proceedings under the Prohibition of Child Marriage Act, 2006 should not be initiated, with that Act making absolutely no exception on the basis of personal law, as regards the marriage of a minor being a cognizable offence.

Though, again to repeat, obviously that would have no bearing on the quashing of the FIR in question, yet 'child marriage' being a cognizable offence under the Act of 2006, as to what direction needs to be issued by this court in that regard, counsel for the parties would address arguments on the next date of hearing.

On the specific request of learned counsel for the petitioners, to adjourn the matter for two weeks, adjourned to 25.11.2020.”

Today, learned counsel for the petitioners submits that the petitioners no longer wishes to pursue this petition.

Dismissed as withdrawn, with the observation of this court already made in the order dated 10.11.2020 (with regard to the provisions of the Prohibition of Child Marriage Act, 2006, being applicable to all citizens of India regardless of religion), obviously standing.

November 25, 2020

nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes/No

Yes/No.