

CRM-M-32695-2020

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHAHDIGARH
(through video conferencing)**

CRM-M-32695-2020

Date of decision: 14.10.2020

Meen Gujjar @ Meen Ali & ors.

.... Petitioners

Versus

State of Punjab & ors.

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Inder Pal Singh, Advocate
for the petitioners.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 482 Cr.PC. for quashing the FIR No.09 Dated 16.01.2020 under Sections 363, 366A, 120-B IPC 1860 registered at Police Station Verowal District Tarn Taran (Annexure P-1).

The FIR in question was registered at the instance of respondent No.2- Baggio on the allegations that when she and her son returned after collecting cattle fodder, her minor daughter, aged 14 years, hereinafter called victim - respondent No.3, was found missing from their house. As the minor was untraceable, the complainant-respondent No.2 made inquiries and learnt that the petitioner had enticed away the victim on the pretext of marriage.

Learned counsel for the petitioner has inter alia contended that in fact the petitioner and the victim had solemnized their marriage on 17.01.2020 against the wishes of respondent No.2 and her family and it was precisely for this reason that the petitioner and his family had been falsely implicated in the instant case. It

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has been further contended that the petitioner and the victim-respondent No.3 had subsequent to their marriage on 17.01.2020 approached this Court vide CRWP No.1123 of 2020 for protection of their life and liberty wherein this Court had directed the authorities concerned to ensure that no harm was caused to either of them. It has been further contended that subsequent to his marriage with respondent No.3, she had conceived and thus, the FIR be quashed so that the petitioner could nurse his pregnant wife. Learned counsel also contended that the age of the victim-respondent No.3 was more than 19 years on the date of alleged occurrence and not 14 years as had been stated by respondent No.2 at the time of registration of the FIR.

Heard.

A perusal of the FIR prima facie discloses the commission of a cognizable offence attracting the mischief of Sections 363, 366-A IPC against the petitioner. Victim-respondent No.3 went missing on 10.01.2020 and the FIR in question was registered by respondent No.2 on 16.01.2020 and as per the admitted case of the petitioners themselves the marriage between petitioner No.1 and respondent No.3 was solemnized a day later i.e. on 17.01.2020. In these circumstances, the contention of the learned counsel for the petitioners that they all had been falsely implicated deserves to be rejected outright, because the FIR in question was registered by the complainant – respondent No.2 prior to the marriage of petitioner No.1 with respondent No.3 – victim. Not only this, the contention of the learned counsel that subsequent to the marriage petitioner No.1 and respondent No.3 had approached this Court seeking protection would not come to the rescue of petitioner No.1. It would be relevant to reproduce the relevant extract of the order passed by the Coordinate Bench of this Court, which is as follows:

“However, it is also made clear that this order shall not be taken to validate the alleged marriage of the petitioners or entitle them for any protection against their arrest or continuance of any criminal proceedings, if they are found involved in the commission of any cognizable offence. In case, the petitioners had committed any offence, the law will take its own course.”

A perusal of the aforementioned extract makes it abundantly clear that a direction had only been given to the authorities concerned to protect the life and liberty of the petitioners therein i.e. petitioner No.1 and respondent No.3 but no order had been passed from which an inference can be drawn that the Coordinate Bench had validated the alleged marriage of petitioner No.1 with respondent No.3. The contention of the petitioners that the age of respondent No.3 was not 14 years on the date of alleged occurrence and she was more than 19 years of age is a matter of evidence, the veracity and truthfulness of which, shall be tested during trial by the trial Court. This Court at this stage cannot be expected to embark upon an enquiry about the veracity or otherwise of the allegations leveled in the FIR against the petitioners.

In the circumstances, no ground is made out, which would warrant this Court to exercise its inherent powers under Section 482 Cr.P.C.

Accordingly, the present petition stands dismissed.

14.10.2020
Sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No