

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-54546-2019
Date of Decision: 27.02.2020

SANJAY Petitioner

Versus

STATE OF PUNJAB AND OTHERS
..... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajesh K. Dadwal, Advocate for the petitioner.
Mr. Sidakmeet Singh Sandhu, Asstt. A.G. Punjab.

JAISHREE THAKUR, J.(ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of order dated 23.09.2019 (Annexure P-5) passed by Judicial Magistrate First Class, Hoshiarpur in FIR No.107 dated 21.09.2019 (Annexure P-4) registered under Sections 363, 366 IPC at Police Station Mehtiana, District Hoshiarpur, whereby Soni wife of the petitioner has been ordered to be sent to Nari Niketan, Jalandhar.

Learned counsel for the petitioner contends that in fact the marriage was solemnized between the parties on 02.09.2019 as would be reflected from Annexure P-1 which is a marriage certificate issued by Mansa Devi Mandir, Panchkula where they solemnized the marriage.

It is submitted that in fact the wife of the petitioner is major having born on 18.4.2000 but does not have any certificate to affirm her age whereas in the complaint the date of birth is given as 12.04.2002. It is further submitted that Soni had refused to go with her parents and consequently came to be lodged in Nari Niketan at Jalandhar. It is

prayed that since she is legally wedded wife of the petitioner she be released and permitted to go to her matrimonial home.

The alleged detinue has been produced in this Court and stands identified by ASI Kashmiri Lal.

On the asking of the Court the young lady has expressed her desire to be sent alongwith her husband. The petitioner has also expressed his willingness to take his wife with him while submitting that he will ensure her well being. The mother of Sanjay, Smt.Rajwati is also present and submits that she would look after Ms.Soni and ensure her will being .

In view of above, the petition is allowed and the direction are issued to the officials to release her in the company of Sanjay and his mother Smt.Rajwati as she desire to go there.

The copy of this order be supplied today to the counsel for the petitioner under the signatures of the Bench Secretary of the Court.

(JAISHREE THAKUR)
JUDGE

27.02.2020
raman

Whether speaking/reasoned Yes/No

Whether reportable Yes/No