

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

115

CRM-M-11542-2021
Date of decision:15.03.2021

AJAY KUMAR @ GURPREET SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajat Garg, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of order dated 12.04.2019 passed by the JMIC, Ludhiana, in FIR No.0145 dated 11.06.2018, Annexure P-1, registered under Sections 363, 366-A and 376 (which was added subsequently) of IPC and Sections 3, 4 of the Protection of Children from Sexual Offences Act, 2012, (which was also added subsequently), at Police Station Meharban, District Ludhiana, and all the subsequent proceedings arising therefrom.

Facts, in brief, are that FIR, Annexure P-1, was registered on the complaint of mother of the prosecutrix on the allegation that the

petitioner had enticed her minor daughter on the pretext of marriage. The statement of the prosecutrix was recorded under Section 164 Cr.P.C., on the basis of which offences under Section 376 IPC and Section 3 and 4 of the POCSO Act were added.

Counsel for the petitioner has referred to the photographs, Annexure P-4, and submitted that the petitioner has married the prosecutrix and they are living happily together as a couple. He submits that the matter stands compromised and the compromise deeds dated 15.12.2018, Annexure P-2, and 05.03.2021, Annexure P-3, respectively have been duly signed by the petitioner as well as the complainant. The complainant has accepted the marriage and does not want to pursue the complaint filed by her. Still further, he submits that the petitioner was never served before the trial court and it was through a friend that he came to know about the passing of the impugned order, whereby he has been declared as a Proclaimed Person. He submits that the petitioner is prepared to surrender before the trial court and join the proceedings.

Notice of motion.

On asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State. He submits that the allegations against the petitioner are very serious and the petitioner deliberately evaded the process of law, despite the fact that steps had been taken to effect service on him after following the procedure prescribed under Section 82 of the Code of Criminal Procedure.

I have considered the submissions of the parties.

The petitioner has married to the prosecutrix, who has by now attained majority, since her date of birth is claimed to be 02.10.2002. The marriage between the parties has been accepted by the mother of the prosecutrix, who has agreed to withdraw the complaint on the basis of which the FIR was registered.

The objective of Section 82 Cr.P.C. is to secure the presence of the accused. Once the accused as unequivocally offered to surrender before the trial court, the purpose of the provision would stand served.

In view of the above facts, impugned order dated 12.04.2019, Annexure P-5, and all subsequent proceeding emanating therefrom are ordered to be quashed subject to the condition that the petitioner surrenders before the trial court within a period of six weeks' from today. Upon surrendering, in case, the petitioner files an application for grant of regular bail, trial court shall make an endeavour and decide the same within a period of four days of its filing.

Petition is disposed of.

15.03.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No