

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

CRM-M-31495-2021 (O&M)
Decided on : 06.08.2021

BHUPINDER SINGH @ BHINDA

. . . Petitioner

Versus

STATE OF PUNJAB & ANOTHER

. . . Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ajay Singh Parmar, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed for quashing case FIR No.225 dated 19.08.2020 under Sections 363, 366, 376, 120-B of the IPC (Section 366 IPC deleted and Section 366-A IPC added later on) and Section 4 of the POCSO Act registered at Police Station Sidhawan Division No.7, District Jalandhar and order dated 09.09.2020 passed by Chief Judicial Magistrate, Jalandhar.

Learned counsel submits that the FIR in question was registered at the instance of mother of the victim (aged 17½ years) alleging that on 18.08.2020, when her daughter did not return home from her tuition classes, she went to the tuition centre to enquire about her whereabouts. On reaching the tuition centre, she was told by the tutor that her daughter had in fact not attended the tuition classes on that day. She suspected that Ghug @ Gurjinder Singh S/o Paramjit @ Pamma could have lured her daughter i.e. victim on the pretext of marriage and taken her away. Learned counsel has

vehemently urged that subsequent to the registration of the FIR in question the petitioner's brother i.e. Ghug @ Ghurjinder Singh and the prosecutrix had solemnized their marriage and also approached this Court by way of CRWP-10361-2020 for protection of their life and liberty. While inviting the attention of this Court to the contents of the FIR, learned counsel has submitted that no role was assigned to the petitioner in the crime in question and rather he had been implicated only because he happened to be a close relative of the main accused i.e. Ghug @ Ghurjinder Singh. Learned counsel submits that in the circumstances, the continuation of criminal proceedings against the petitioner would be nothing but an abuse of the process of law and hence, the FIR in question be quashed qua him.

Heard learned counsel and perused the material available on record.

Prima facie, there are serious and specific allegations levelled against the petitioner and his brother co-accused Ghug @ Ghurjinder Singh of luring the victim, who admittedly was a minor on the date of alleged occurrence, on the pretext of marriage. Subsequent to the registration of FIR in question, investigation was carried out by the investigating agency and it was then that the role of the petitioner came to light in the crime in question. In her statement recorded under Section 164 Cr.PC, the victim assigned a role to the petitioner by alleging that he had actively participated in the commission of the offence in question. This Court also cannot ignore the fact that solemnization of the marriage between the brother of the petitioner and the victim stands admitted, as a petition was filed before this Court for protection of their life and liberty. Still further, it may also be noticed that

the petitioner has since been declared a proclaimed offender in the FIR in question.

In view of the aforementioned facts and circumstances and also in the wake of statement of the victim recorded under Section 164 Cr.P.C, this Court would loathe to accept the prayer of the petitioner to quash the FIR in question.

Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

06.08.2021
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Whether reportable	Yes/No
Whether speaking/non-speaking	Yes/No