

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(123)

CRM-M-1052-2022

Date of Decision: 01.02.2022

Lovepreet Singh & another

--Petitioners

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Rakesh Inder Singh Sidhu, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.0220 dated 11.9.2021 under sections 363, 366 and 346 I.P.C registered at Police Station, Sadar Patiala, District Patiala.

The brief facts of the case are that the present FIR was registered by Jagdish Singh i.e. respondent no.2, who is the father of the victim/respondent no.3. It was alleged that he is resident of the address as mentioned therein and works as a motorcycle mechanic. He has four children. The eldest one is the daughter, who is about 19 years of age. His daughter was pursuing IELTS Navy Cater Center at Leela Bhawan, Patiala after completing her B.A. On 31.8.2021 she went for her daily routine but did not return back. They searched her but failed. Later on they came to know that his daughter has been taken away by one boy namely Lovepreet Singh son of Paramjit Singh, who is resident of their village only. A request

was made to trace his daughter and take legal action.

Learned counsel for the petitioner has vehemently contended that the petitioners have entered into a compromise with respondent no.3. Counsel contends that the compromise arrived at is an affidavit which has been placed on record as Annexure P-3. It is contended that respondent no.2 i.e. the complainant wanted to marry his daughter i.e. respondent no.3 with the boy of his own choice and hence respondent no.3 left the house on 31.8.2021 and approached petitioner no.1 and both started residing together. Counsel contends that the father of respondent no.3 has falsely registered the present FIR. It is further submitted that both petitioner no.1 and respondent no.3 had performed the marriage and they also approached this High Court for seeking protection of their life and liberty. It is further submitted that the case is under investigation, however, both the petitioners have entered into a compromise with respondent no.3 i.e. daughter of the complainant.

Learned counsel for the petitioners has relied upon the judicial pronouncement of the Hon'ble Supreme Court in ***Criminal Appeal Nos 1328-1333 of 2021 Jitul Jantilal Kotecha Vs. State of Gujarat & Ors. Etc.*** and has submitted that even if the matter is pending investigation, this Court has the jurisdiction to entertain the present petition and quash the FIR by exercising its inherent jurisdiction under Section 482 Cr.P.C.

I have heard learned counsel for the petitioner at length and have gone through the records made available.

Needless to say that the present FIR was registered by respondent no.2. Admittedly the investigation in the present FIR is going on and no challan has been filed by the investigating agency so far. Counsel

for the petitioner has admitted during the course of arguments that respondent no.2 i.e. the author of the FIR is pursuing the same. Counsel has contended that petitioner no.1 and respondent no.3 are duly married and had approached this Court for seeking protection of their life and liberty, however, there is nothing on record in support of the same. Even if the same is true, the petition filed for granting protection to the life and liberty does not exonerate the accused from being proceeded against any offence alleged to have been committed by them. Thus, FIR in question had been registered by respondent no.2 and the same is pending investigation. The conclusion to be arrived at on the completion of investigation is totally within the domain of the investigating agency and this Court cannot transgress its inherent jurisdiction under Section 482 Cr.P.C by obstructing the on going investigation. Prima facie, the offence alleged in the FIR pertains to kidnapping and abducting which do fall in the category of heinous offences. In view of the parameters laid down by Hon'ble Supreme Court in *Gian Singh Vs. State of Punjab & another (2012) 10 SCC 303* the High Court should refrain itself from exercising its inherent jurisdiction under Section 482 Cr.P.C in quashing the FIR on the basis of the compromise arrived at between the parties in such like cases involving heinous offences. The judicial pronouncement relied upon by learned counsel for the petitioner in *Jitul Jentilal Kotecha's* case (supra) has also reiterated that the court should be circumspect and cautious in exercising its inherent jurisdiction under Section 482 Cr.P.C. Applying the judicial pronouncements noticed herein above to the facts and circumstances of the present case, this Court finds that the petitioners do not qualify for

exercising the jurisdiction of this court under Section 482 Cr.P.C in their
favour and thus the same is declined.

Petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

01.02.2022
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No