

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

CRM-M-44103-2021

Date of Decision: 2.2.2022

Rajbir Singh @ Raju and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Tarun Sharma, Advocate, for the petitioners.

Mr. Rakeshinder Singh Sidhu,
Assistant Advocate General, 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.

Prayer in the present petition is for quashing of FIR No.45 dated 10.8.2021 registered under Sections 363, 366, 380, 120-B IPC at Police Station Arif Ke, District Ferozepur as well as all the subsequent proceedings arising therefrom.

As per facts of the case, the present FIR was lodged by Gurnam Singh son of Darshan Singh. It was alleged that he has four children i.e. three daughters and one son. His one daughter, who is 19 years 8 months old, is studying in Govt. Senior Secondary School, Atari with Rajbir Singh @ Raju son of Jang Singh. Rajbir Singh @ Raju along with his father Jang Singh, mother Kalo, Gurpreet Singh @ Gora and Sabu came in a car on the intervening night of 8/9.8.2021 and enticed away his daughter, who was studying with Rajbir Singh @ Raju, and while leaving they stole Gold Karra of 2 tolas and earrings of

Rs.20,000/-. It was alleged that his daughter and the accused have committed the said offence. It has been seen by the Ex-Sarpanch as well. Despite their best efforts they could not search their daughter and hence, request was made to take legal action against the culprits.

It has been contended by learned counsel for the petitioners that petitioner No.1 and petitioner No.2 had a liking for each other and they decided to marry. However, the family members of petitioner No.2 never accepted the relationship of petitioner No.1 and petitioner No.2. Having no other option, they decided to marry and they eloped together on 8.8.2021. Thereafter, they got married as per the Hindu Rites and Rituals on 13.8.2021. Both of them approached before this Court for seeking protection of their life and liberty by way of filing of CRWP-7791-2021, which was disposed of by this Court on 23.8.2021. It has been contended by learned counsel for the petitioners that no offence as alleged is made out against the petitioners and their prosecution in the same is totally an abuse of process of the Court. He submits that the matter is under investigation. He has relied upon the judicial pronouncements of Hon'ble the Supreme Court in case of State of Haryana and others vs. Bhajan Lal and others, 1992 Supp (1) SCC 335. In view of the facts and circumstances of the case, he submits that the present FIR deserves to be quashed.

Heard.

From a bare perusal of the FIR, it is evident that FIR has been lodged by the father of petitioner No.2. There has been specific allegations against the petitioners. The age of petitioner No.2 has been mentioned to be 19 years and 8 months. There is no dispute regarding the law settled by the Hon'ble Supreme Court, however, applying the parameters laid down by the Hon'ble

Supreme Court to the facts and circumstances of the present case, the case in hand is distinguishable. The offence alleged by the complainant falls in the category of heinous offences. The Hon'ble Supreme Court in Veena Mittal Vs. State of Uttar Pradesh and others in Criminal Appeal No.122 of 2022 decided on 24.1.2022, it is held that "it is well settled that at the stage when the High Court considers a petition for quashing criminal proceedings under Section 482 Cr.P.C., the allegations in the FIR must be read as they stand and it is only if on the face of the allegations that no offence, as alleged, has been made out, that the Court may be justified in exercising its jurisdiction to quash". However, the allegations in the present FIR are specific and hence, the veracity of the same is totally a subject matter of thorough and fair investigation. The matter is still under investigation. The Hon'ble Supreme Court in various judicial pronouncements has laid down that the High Court should exercise the inherent jurisdiction under Section 482 Cr.P.C. sparingly and with circumspection. Applying the law settled by the Hon'ble Supreme Court to the facts and circumstances of the present case, this Court is of the opinion that the case does not qualify for exercising the inherent jurisdiction under Section 482 Cr.P.C. by this Court. Resultantly, the petition being devoid of any merit, is hereby dismissed.

02.02.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

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