

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 203

CRM-M-40124-2020

Date of decision : 04.05.2022

Atish Kumar

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Neetu Singh Aashat, Advocate, for the petitioner.

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.D.S.Sandhu, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No.206 dated 20.11.2020 registered under Section 363 IPC and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 at Police Station Sahnewal, District Ludhiana.

Learned counsel for the petitioner submits that the alleged victim got married with the petitioner on 08.06.2020 and since then is living happily with him as his legally wedded wife and that even at the time when she was alleged to have been kidnapped by the petitioner she had attained majority.

After taking instructions, learned State counsel admits to the above factual position.

In the light of the above, continuation of proceedings in pursuance to the impugned FIR wherein the petitioner is alleged to have kidnapped the alleged victim, would not only be an abuse of the process of law but would also unsettle their happy married life. Therefore, the impugned FIR is considered to be an abuse of the process of law. Resultantly, in terms of the law laid down by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and others*, 2007 (3) RCR (Criminal) 1052, this Court deems it just and proper to allow the petition and resultantly quash FIR No.206 dated 20.11.2020 registered under Section 363 IPC and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 at Police Station Sahnewal, District Ludhiana and all proceedings arising therefrom qua the petitioner.

04.05.2022

shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No