

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

CRM-M-44806-2022

Date of decision : 27.09.2022

Suraj Kumar and another

.....Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rishav Jain, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of the FIR No.226 dated 09.08.2019, under Sections 363, 366-A, 120-B of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Jamalpur, District Police Commissionerate, Ludhiana along with subsequent proceedings arising therefrom on the basis of affidavit dated 07.09.2022 (Annexure P-5).

Learned counsel for the petitioners has submitted that after registration of this FIR, both the petitioner No.1 and prosecutrix/respondent No.3 got married and out of this wedlock, one child was born. He has submitted that in the facts and circumstances of the case, prosecution of the petitioners is nothing but an abuse of the process of the Court.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State. Mr. Nitesh Singla, Advocate accepts notice on behalf of respondent No.3. He has endorsed the submissions made by counsel for the petitioners.

Learned State counsel, on instructions from ASI Balvir Singh, has submitted that after investigation, cancellation report has already been prepared in this case on 30th August, 2019. However, the same is yet to be filed before the Court of competent jurisdiction.

After hearing counsel for the parties and perusing the record, the present petition is disposed of with a direction to the investigating agencies to file the cancellation report so prepared before the Court of competent jurisdiction within 15 days from the date of receipt of this order. However, the parties are at liberty to pursue their remedies in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

27.09.2022
m. sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No