

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

Sr. No.267

CRM-M-3658-2022

Date of decision: 04.05.2022

Rashpal Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.20 dated 13.05.2017 registered under Sections 363 and 366-A IPC at Police Station Rangar Nangal, District Batala.

On 28.04.2022, this Court had passed the following order:-

“Learned counsel for the petitioner contends that the impugned FIR is liable to be quashed inter alia on the ground that the complainant's daughter and the petitioner have got married; out of the wedlock one child has also been born and that they are living happily as husband and wife.

Notice of motion to respondents No.1 to 3 only at this stage.

Notice re: stay as well.

Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of respondents No.1 to 3 and prays for time to seek instructions/file reply.

Adjourned to 04.05.2022.

To be taken up after the urgent matters.”

In pursuance to the afore-quoted order, learned State counsel submits that enquiries conducted by the State have revealed that the petitioner and the complainant's daughter are living happily as husband and wife and that out of the wedlock they have also been blessed with one child.

In the light of the afore and especially because the alleged victim, even after attaining the majority, has chosen to live with the petitioner as his legally wedded wife and that out of the wedlock a child has also been born, continuation of the proceedings in pursuance to the impugned FIR in which the petitioner is accused of having abducted the alleged victim would not only be an abuse of the process of law but would also unsettle their matrimonial and family life. Resultantly, in terms of the law laid down by a 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 the FIR No.20 dated 13.05.2017 registered under Sections 363 and 366-A IPC at Police Station Rangar Nangal, District Batala and all proceedings arising therefrom, qua the petitioner.

May 04, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No