

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 205

Criminal Miscellaneous No.M-15194 of 2018(O&M)

Date of Decision: *February 02, 2023*

Anjali

..... PETITIONER(S)

VERSUS

State of Punjab and another

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Mr. Ranjit Singh Ghuman, Advocate for the petitioner.

Mr. Kunal Vinayak, Assistant Advocate General Punjab
for respondent No.1-State.

None for respondent No.2.

. . .

Tribhuvan Dahiya, J (Oral)

CRM-4935-2023

This is an application under Section 482 Cr.P.C. for
impleading the applicant, Amritpal Singh s/o Harbans Singh, as petitioner
No.2 in the main petition.

Notice of the application.

Learned State counsel has no objection to implead the
applicant as co-petitioner in the petition.

In view thereof, the application is allowed. The applicant,
Amritpal Singh, is ordered to be impleaded as co-petitioner in the main
petition, and the amended memo of parties is taken on record.

Main case

Both, the victim and the accused, are before this Court
seeking quashing of FIR No.0111 dated 27.10.2017, under Section 363, 366-

A IPC, registered at Police Station Kathgarh, District Shaheed Bhagat Singh

Nagar, and all subsequent proceedings arising therefrom.

2. The FIR was lodged on the statement of father of petitioner no.1 alleging that, his daughter, born on 17.01.2000, was not traceable. His suspicion was that she had been enticed away by petitioner No.2 with intention to marry her.

3. Learned counsel for the petitioners contends that, in fact, the victim/petitioner No.1 willingly accompanied the accused/petitioner No.2, as they were in love and wanted to marry. It was not acceptable to parents of petitioner No.1; therefore, the FIR was lodged. Soon after getting together both had approached this Court seeking protection of their life and liberty by filing a petition, CRMM-4596-2017, on 01.12.2017. The petition was heard and notice of motion was issued for 07.02.2018.

4. On 07.02.2018, both the petitioners along with parents of petitioner No.2 appeared before this Court. Petitioner No.1 alleged torture at the hands of her parents (including the complainant), on account of being involved with petitioner No.2. It was also alleged that her parents were forcibly trying to get her married against her wishes to a widower who is much older in age. In this situation, parents of petitioner No.2 submitted before this Court that they would soon solemnize marriage of the petitioners. The order has been placed on record as Annexure P-3, which reads as under:

Reply, filed on behalf of respondents No. 1 to 4, is taken on record.

The petitioner is present in Court today along with Surinder Kaur and Harbans Singh, parent of Amritpal Singh, resident of village Paniali Kalan. The petitioner herein has alleged torture at the hands of her parents on account of being involved with Amritpal Singh with further allegations that her parents are forcibly trying to get her married against her wishes with a widower who is much older than her. At the present moment, she is residing in the

safe custody of the aforesaid persons and feels secure in their home. Parents of Amritpal Singh submit that they will solemnize the marriage of the petitioner with their son within a short period.

I have heard learned counsel for the parties and have also perused the reply so filed.

In view of the fact that serious allegations have been made by the petitioner against her parents specifically her father, this Court directs that adequate steps are to be taken and maintained to protect the life and liberty of the petitioner as well as to ensure that Amritpal Singh and his parents are not put to any undue harassment.

Let this matter be kept pending in this Court.

Adjourned to 17.04.2018.

5. Soon thereafter, the petitioners got married, the certificate of marriage dated 15.02.2018 has been placed on record as Annexure P-4. In this background, their petition seeking protection of life and liberty was finally disposed of by this Court, vide order dated 04.02.2019.

6. Learned counsel for the petitioner further submits that pursuant to the marriage, a baby girl was born to the couple on 20.09.2020, and three are living happily in the matrimonial home.

7. Learned State counsel, on instructions from ASI Parmjit Singh, submits that challan in the case has already been filed by the State. By referring to para No.4 of the reply filed by the State, he states that the victim/petitioner No.1 has refused to get her statement recorded under Section 164 Cr.P.C. as also get herself medically examined. Annexure R-2 attached with the reply is the statement by petitioner No.1, stating that she does not want to make any statement to the police. Whatever she had to say, had already been stated by her before this Court.

8. In view of the facts enumerated above, it is apparent that

both the petitioners are happily residing together, and there is no dispute

between them. There were differences between petitioner No.1 and her father over her association with petitioner No.2, that resulted in lodging of the FIR in question. Now she has married petitioner No.2 and has refused to support the prosecution. There is no purpose to keep the FIR and proceedings arising therefrom alive, as trial of the case will be an exercise in futility and will not result in any conviction. On the contrary, it might disturb peace in the family. Besides, even the allegations in the FIR as well as the material collected by the Police after investigation, do not constitute any offence against petitioner No.2. It is in the interests of justice that the criminal prosecution should not be allowed to continue in such a situation.

10. In view thereof, the FIR in question as well as all subsequent proceedings arising therefrom, stand quashed *qua* petitioner No.2.
11. Petition stands allowed.
12. Pending miscellaneous application(s), if any, stand disposed of, as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

February 02, 2023
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>