

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

207

CRM-M-17294-2021

Date of Decision : 14.02.2023

Karan Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Naveen Bawa, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

Mr. Rahul Singh, Advocate for
Mr. Karan Singh, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

Power of attorney of Mr. Karan Singh, Advocate filed on
behalf of respondent No.2 is taken on record.

Status report dated 14.02.2023 by way of short affidavit of
Jagdish Raj, PPS, Deputy Superintendent of Police, Sub Division Phillaur,
District Jalandhar, is taken on record. Registry is directed to tag the same at
appropriate place.

On 27.04.2021, the following order was passed :

*“By this petition, the petitioner seeks the
quashing of FIR no.95, dated 08.04.2021,
registered at Police Station Phillaur, District
Jalandhar Rural, alleging therein the
commission of offences punishable under
Sections 363 and 366-A of the IPC.*

Learned counsel for the petitioner points

to the copy of the FIR, Annexure P-6, wherein the complainant (respondent no.2 herein), who is the father of the girl allegedly abducted (respondent no.3 herein), himself gave her date of birth as 18.11.1998, thereby admitting that she was 22 years of age at the time that the petitioner allegedly abducted her.

Learned counsel for the petitioner next points to the order passed by this court on 07.04.2021 in CRWP-3384 of 2021, i.e. one day before the registration of the FIR, in a petition filed by the petitioner and respondent no.3 herein, seeking protection of life and liberty, upon them having married each other against the wishes of the parents of respondent no.3 (as contended).

Vide that order, that petition had been disposed of by directing the State authorities to ensure that the life and liberty of the parties were duly protected, though at that stage no firm proof of the age of respondent no.3 had been placed before this court.

Notice of motion.

Mr. Sandeep Singh Deol, learned DAG, Punjab, accepts notice on behalf of respondent no.1 at the asking of the court.

Mr. Vishnu Dutt, Advocate, appears for respondent no.3 and has submitted a power of attorney duly executed in his favour by the said respondent to the Reader of this court.

He admits that the petitioner and respondent no.3, after having married each other, are still living with each other happily.

That being so, respondent no.2 be served by way of normal process.

Adjourned to 13.07.2021.

*In the meanwhile, in view of the above,
no coercive steps be taken, whatsoever, against
the petitioner.”*

Learned State counsel on instructions from ASI Vijay Kumar submits that prosecutrix-respondent No.3 at the time of commission of alleged offence was 21 years old, thus, Section 366 A was deleted from the aforesaid FIR. FIR only qua Section 366 is pending against the petitioner.

Learned counsel for the complainant/respondent No.2 submits that he has no objection if the present petition is allowed and FIR is quashed.

From the pleadings and arguments of both sides, it is quite evident that the petitioner and respondent No.3 at the time of commission of alleged offence were major. They have solemnised marriage at their own sweet will and at present, they are residing together. There seems no reason to continue criminal proceedings against a happily married couple.

In view of above facts and circumstances, the present petition deserves to be allowed and accordingly allowed.

FIR No.95, dated 08.04.2021, under Sections 363 and 366-A of IPC, registered at Police Station Phillaur, District Jalandhar Rural, and all other consequential proceedings arising therefrom are quashed qua the petitioner(s).

(JAGMOHAN BANSAL)
JUDGE

14.02.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>