

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-21785-2022 (O&M)

Date of order: 11.10.2023

Ranjit Singh

.....Petitioner(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM:

HON'BLE MS. JUSTICE NIDHI GUPTA

Present:-

Mr. A.P.S. Tung, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG Punjab.

Mr. Paras Jagga, Advocate
for respondent No.2.Mr. Sartaj Singh Thakur, Advocate
for respondent No.3.

Nidhi Gupta, J.

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.157 dated 14.12.2020 under Sections 363 and 366-A IPC registered at Police Station Julkan, District Patiala (Annexure P1) and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner inter alia submits that present FIR deserves to be quashed as the petitioner and respondent No.3 have solemnized marriage on 03.03.2022. Their marriage certificate is on record as Annexure P2. It is submitted that date of birth of respondent No.3 is 28.02.2004. It is also submitted that the petitioner and respondent No.3 were in consensual relationship. It is also submitted that the petitioner and respondent No.3 had filed CRWP-2114-2022 before this Court for protection of their life and liberty at the hands of respondent No.2 and

other family members. The said petition was disposed of by this Court vide order dated 09.03.2022 (Annexure P4). It is submitted that respondent No.3 has also stated on affidavit dated 04.05.2022 (Annexure P5) that she had run away with the petitioner with her own sweet will and without any pressure and she was now living happily with the petitioner and she had no objection if the present FIR is quashed qua the petitioner.

Learned State Counsel on instructions from SI Sham Lal and learned counsel for respondent No.2/complainant and respondent No.3/victim do not dispute the above said facts.

I have heard learned counsel for the parties.

Reliance may be placed on the judgment of Kerala High Court in **“XXX Vs. Xxx & Others” Law Finder Doc ID # 1835173**, wherein it has been held as under:-

“Criminal Procedure Code, 1973 Section 482 Protection of Children from Sexual Offences, Act, 2012, Section 4 r/w 3(a) and 6 r/w 5(1) – Indian Penal Code, 1860 Sections 450, 370, 363 and 376(2)(n) Sexual assault with minor – Accused and victim entered into matrimonial relationship living as husband and wife and settlement between parties – When parties themselves settle dispute and approach High Court for quashing proceedings, High Court cannot refuse to invoke its inherent jurisdiction under section 482 of Cr.P.C., 1973 – Therefore, POSCO proceedings and chargesheet liable to be quashed”.

In view of above admitted submissions made by learned counsel for the petitioner, present petition is **allowed** and FIR No.157 dated 14.12.2020 under Sections 363 and 366-A IPC registered at Police Station

Julkan, District Patiala (Annexure P1) and all subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioner.

Pending application(s) if any also stand(s) disposed of.

11.10.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No