

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

232

CRM-M-48520-2021

Date of Decision: 25.05.2023

Gurwinder Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

None for respondent No.2.

Ms. Rashika Bansal, Advocate, for
Ms. Sheenam Kamboj, Advocate
for respondent No.3.

SANJEEV PRAKASH SHARMA, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.85 dated 30.07.2020 under Sections 363 and 366 IPC, registered at Police Station Kahnuwan, District Gurdaspur and all subsequent proceedings arising therefrom, as the petitioner and respondent No.3 have lawfully married with each other.

Learned counsel for the petitioner submits that the petitioner and respondent No.3 have married after attaining majority. The statement of the girl has been recorded under Section 164 Cr.P.C. which reflects that there is no allegation against the petitioner and she had left her parental house at her own free will. In the circumstances, it cannot be said that the petitioner has committed any offence under Section 363 and 366 IPC or

under the POCSO Act. Notice was issued to respondent No.2-complainant i.e. grand-father of the wife of the petitioner who has failed to appear.

The ingredients of Section 363 and 366 essentially require taking away for abduction by force i.e. without the free will or consent of her person. Since the statement made under Section 164 Cr.P.C, do not reflect any such action, merely because the grand-daughter of the complainant has left her house, the allegations cannot be put on the petitioner as of now both of them have lawfully married. The marriage certificate has also been placed.

In view of above, this Court does not find any reason to continue the criminal proceedings which were earlier stayed by this Court, vide order dated 02.12.2021 and according the proceedings are quashed.

Accordingly, the present petition is disposed of.

25.05.2023

D.Bansal

**(SANJEEV PRAKASH SHARMA)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No