

AMARJIT KAUR

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C.is for quashing of FIR No.40 dated 09.06.2014 registered under Sections 363/366-A IPC at Police Station Jaurkian, District Mansa (Annexure P-3) and all the subsequent proceedings arising therefrom qua the petitioner.

2. The facts as recorded in the FIR (supra) read as follows:

“Buta of Karnail Singh caste Jatt Sikh resident of Jaurkian aged about 50 years. It is stated that I am resident of abovesaid address and I possess about one acre land due to which alongside of the farming I am also working as a casual labourer at the Brick kiln of village Jaurkian Wala. I have two daughters, elder daughter is Gurpreet Kaur who is aged about 19/20 years and younger to her is daughter Mandeep Kaur who is aged about 17 years and younger to all is son Baljinder Singh alias Bindi who may be aged about 14/15 years. While working the labour by me at the brick kiln, I was introduced with Balwinder Singh alias Kala Singh son

of Gurbaksh Singh Jatt Sikh resident of Jagatgarh Bandran and both of us used to visit the house of each other. I was about to know and identify to the family members of Balwinder Singh and Balwinder Singh come to know and identify to my family members. On 04.06.2014, taking the food and diet in the evening time, all of our family members, lay down and it may be at around 10/11 p.m., knocked the main gate of our house. When lightening the electricity bulb, I and my wife saw that my daughter Mandeep Kaur was not present at her wooden cot and my wife Jasvir Kaur searched her daughter Mandeep Kaur heather and thither in the house but our daughter Mandeep Kaur did not found us and the main gate of our house was lying duly opened and I saw outside in the street with the torch and then the fresh track of the motor cycle was visible at there, whole of our family members searched my daughter for the whole night but she did not met us and then internally, I told this point to Sarpanch of our village and other respectables and at our own level, we searched her in our relatives and known persons till date but my daughter did not met me. Now my wife Jasvir Kaur told me that being afraid I did not told this point previously that we will be much insulted in the village that the night on which, our daughter Mandeep Kaur has gone from our house, on the very same day, Balwinder Singh alias Kala son of Gurbaksh Singh caste Jatt resident of Jagatgarh Bandran had arrived in our house on the motorcycle with the pretext of taking the water and taking the water, he had gone. But we are fully assured that my daughter Mandeep Kaur who is yet aged about 17 years, luring my daughter Mandeep Kaur for

solemnizing the marriage with her, Balwinder Singh alias Kala son of Gurbaksh Singh Jatt resident of Jagatgarh Bandran have taken her with him by seducing her...”

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been involved in the FIR (supra) only on the basis of allegation of conspiracy breaching the threshold of Section 120-B IPC. It is further contended that the main accused namely Barinder Singh has approached this Court by filing a petition bearing CRM-M No.25196 of 2014 wherein this Court vide judgment dated 26.05.2015 quashed the FIR (supra) on the ground that co-accused Barinder Singh and respondent No.3-Mandeep Kaur have been cohabiting together as husband and wife. It is further contended that out of the wedlock, one child has also taken birth. Once the accused, who is alleged to have committed the offence under Sections 363 and 366-A IPC, has been granted the relief by this Court on the basis of statement recorded by the prosecutrix regarding her complacency in the act, the continuation of the prosecution against the petitioner would result in the wastage of valuable time of the Court as the possibility of conviction of the petitioner does not exist.

4. Per contra, learned State counsel, on instructions from ASI Ronak Ram, could not controvert the fact that the FIR (supra) has been quashed qua the main accused Barinder Singh.

5. Having heard the learned counsel of the parties and after perusing the record with their able assistance, this Court is of the considered opinion that continuation of criminal proceedings against the petitioner would amount to miscarriage of justice. Section 120-B IPC is not a standalone offence and since the alleged offences under Section 363, 366-A IPC remain unsubstantiated, allegations of conspiracy cannot stand on its own.

6. The report of the concerned jurisdictional Magistrate records that respondent no.3 voluntarily made a statement wherein she has admitted to having left with her now husband Barinder Singh consensually. The couple is happily residing together as husband and wife and have a child together. Taking note of the same, this Court had quashed the FIR (supra) qua Barinder Singh vide judgment dated 26.05.2014 (Annexure P-2).The primary aim of the legal system is to conciliate social conflicts and ensure harmonious co-existence. Criminal prosecution must not be pursued mechanically for its own sake as that would not only amount to wastage of Court’s time but more importantly, defeat the ends of justice.

7. Considering the material facts and circumstances of the case as noted above and for the reason that the FIR (supra) against the main accused already stands quashed, present petition is allowed and the FIR No.40 dated 09.06.2014 registered under Sections 363/366-A IPC at Police Station Jaurkian, District Mansa (Annexure P-3) along with all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

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

April 10, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |