



CRM-M-12574-2023 (O&M)

1

237 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRM-M-12574-2023 (O&M)
Date of Decision: 23.10.2024

KARMJIT SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.P. Singh, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Sandeep Kumar, Advocate for
Mr. Raman Garg, Advocate for respondent No. 2.

Harpreet Singh Brar J.(Oral)

1. This petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No.187 dated 27.11.2022 under Sections 363, 366-A and 120-B of Indian Penal Code at Police Station Nakodar Sadar, District Jalandhar Rural along with all subsequent proceedings arising therefrom.

2. The following order was passed on 02.08.2024:

“On 15.03.2023, following order was passed:

“Learned counsel for the petitioners contends that FIR has been lodged on a complaint by respondent No.5 (mother of respondent No.4), who was not in favour of relations between petitioner No.1 and respondent No.4. Both of them were known to each other and got married on 29.12.2022. On apprehending threat to their life from the parents of respondent No.4, they sought protection from this Court by filing CRWP No.401 of 2023, which was decided vide order dated 16.01.2023 (Annexure P-8),



CRM-M-12574-2023 (O&M)

2

issuing appropriate directions for safeguarding their lives and liberty. It is further submitted that respondent No.4 is staying in the matrimonial home with her husband/petitioner No.1 and in-laws/rest of the petitioners, who all are accused in the case. There are no chances of the trial leading to conviction in these circumstances.

Notice of motion for 03.05.2023.”

Learned State counsel seeks a short accommodation to ascertain as to whether petitioner No. 1 and respondent No. 4 have performed marriage on 29.12.2022 and they were granted protection in compliance of the order dated 16.01.2023, passed by this Court in CRWP-401-2023 (Annexure P-8).

Copy of this order be supplied to learned State counsel for necessary information and compliance.

Adjourned to 25.09.2024.

Interim order to continue.”

3. Learned counsel for the petitioners *inter alia* contends that petitioner No. 1 and respondent No. 4 are cohabiting together as legally wedded husband and wife and this Court has directed the jurisdictional police authorities to ascertain as to whether the petitioner No. 1 and respondent No. 4 have performed marriage on 29.12.2022.

4. Status report by way of affidavit of Sukhpal Singh, PPS, Deputy Superintendent of Police, Sub Division, Nakodar, Jalandhar Rural has been filed by learned State counsel. Same is taken on record. Relevant paras No. 8 and 9 of the said status report are reproduced hereinbelow:

“8. That with regard to direction passed by this Hon'ble Court to verify as to whether the Respondent No. 4 Jasmeen Kaur has married Petitioner No. 1 Karmjit Singh, ASI Kabal Singh was deputed to verify the said fact by SHO, Police Station: Sadar Nakodar. Both the petitioner



no. 1 as well as respondent no. 4 stated that they married each other on 29.12.2022 and are residing happily with each other ever since then. Furthermore, they also produced a marriage certificate issued by Gurudwara Dashmesh Pita Patshahi Dasvi, District SAS Nagar as per which they got married on 29.12.2022.

9. *That with regard to order dated 16.01.2023 passed in CRWP-401- 2023, it is respectfully submitted that respondent no. 4 came present at PS Nakodar and stated that she does not want any police protection and further, the respondent no. 4 also stated that she does not want to get herself medically examined.”*

5. Learned counsel for the petitioner placed reliance upon judgment of Hon’ble Supreme Court passed in ***K. Dhandapani v. The State 2022(2) R.C.R.(Criminal) 987*** and a full Bench judgment of Delhi High Court in ‘***Court on its Own Motion (Lajja Devi) Vs. State’ 2012 (4) CCR 72***, wherein it has been categorically held that in case, the prosecutrix/victim is more than 16 years of age and makes a statement to the effect that she left of her own volition and records a statement indicating that the consent was without any force, coercion or undue influence, the Court will be within its power to accept the statement and quash proceedings under Sections 363 or 376 of IPC. It has been further held that the FIR (supra) can be quashed if after attaining the age of majority, she affirms and reiterates her consent.

6. Learned counsel appearing for respondent No. 4 submits that respondent No. 4 has performed marriage with petitioner No. 1 and both of them are in love with each other and she is cohabiting with her husband in her matrimonial home and continuation of proceedings of FIR(supra) would hamper the matrimonial life of the petitioner No. 1 and respondent No. 4

and respondent No. 5 is only the informant being mother of respondent No. 4, whereas, if any grievance is there, it has to be from respondent No. 4, who is the victim and she has married to petitioner No. 1 out of her own violation and accord.

7. In view of the above and specific stand taken by learned counsel for respondent No. 4 and also the status report filed by learned State counsel, this petition is allowed and FIR No.187 dated 27.11.2022 under Sections 363, 366-A and 120-B of Indian Penal Code at Police Station Nakodar Sadar, District Jalandhar Rural along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

23.10.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No