

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

244

CRM-M-17379-2019 (O&M)

Date of Decision: 29.08.2024

Ashwani Kumar and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Dheeraj Mahajan, Advocate for the petitioners.

Ms. Aakanksha Gupta, A.A.G., Punjab.

Ms. Ramandeep Kaur, Advocate for
Ms. Himani Kapila, Advocate for respondent No.2.

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

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No. 190 dated 23.08.2018 (Annexure P-1) under Section 363, 366, 120-B IPC registered at Police Station City Gurdaspur, District Gurdaspur and all consequent proceedings arising therefrom.

Learned counsel for the petitioners submits that present FIR came to be registered on the basis of the statement of respondent No.2 who is the father of the alleged victim/respondent No.3 herein. It is stated that initially, there were 5 accused named in the FIR, 2 of whom were found innocent during investigation. The remaining 3 accused are before this Court as petitioners herein. The petitioners No. 1 and 2 are



the parents-in-law; whereas petitioner No.3 is the husband of respondent No.3. However, during the pendency of the present petition, petitioner No.1 has expired on 27.11.2019. It is submitted that petitioner No.3 and respondent No.3 have solemnized marriage as far back on 29.03.2019 which is evident from photographs (Annexure P-4). It is further submitted that a marriage certificate dated 30.03.2019 (Annexure P-5) has also been issued by the concerned society.

Learned counsel for the petitioners, on instructions, submits that petitioner No.3 and respondent No.3 have also been blessed with children after solemnizing marriage. It is stated that complainant/respondent No.2 was against the said association of petitioner No.3 and respondent No.3 as at the time of registration of the present FIR, the respondent No.3 was 17 years, 5 months and 3 days. It is stated that the date of birth of respondent No.3 as per the FIR is 14.03.2001 and at the time of alleged incident i.e. 17.08.2018, she was 17 years, 5 months and 3 days. In any event, marriage has been solemnized on 29.03.2019 upon attaining age of majority by respondent No.3.

Learned counsel for the State, on instructions from SI Harnesh Singh, admits the fact that petitioner No.3 and respondent No.3 have solemnized marriage.

Learned counsel for respondent No.3 affirms the above submissions made on behalf of the petitioners.

In view of the undisputed facts as noticed above, present petition is **allowed**; and FIR No. 190 dated 23.08.2018 (Annexure P-1) under Section 363, 366, 120-B IPC registered at Police Station City



Gurdaspur, District Gurdaspur and all consequent proceedings arising therefrom, are hereby **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

29.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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