



CRM-M-34367-2021 (O&amp;M)

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233 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-34367-2021 (O&amp;M)

Date of Decision: 05.12.2024

DEEPAK KUMAR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. V.K. Pujara, Advocate and  
Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

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Harpreet Singh Brar J.(Oral)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.228 dated 18.10.2020 registered under Sections 363/366-A IPC at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner *inter alia* contents that petitioner and daughter of respondent No. 2 were in love with each other and their relationship was not approved by respondent No. 2 and due to her opposition, both of them eloped and performed marriage. Thereafter, petitioner and daughter of respondent No. 2 jointly approached this Court by filing CRWP-8499-2020 seeking protection to their life and liberty and currently both of them are cohabiting together as husband and wife. He further submits that daughter of respondent No. 2 is now 19 years old and she is conscious of her welfare and learned counsel further submits that respondent No. 2 is not coming forward to appear before this Court and even service upon her has been effected by the jurisdictional police



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authorities. Learned counsel relies upon judgment of the Hon'ble Supreme Court passed in *K. Dhandapani Vs. The State by The Inspector of Police, 2022 SCC Online SC 1056*, Full Bench judgment of the Delhi High Court passed in Court on its own motion (*Lajja Devi*) Vs. State' 2012 (4) CCR 72 and judgment of this Court in *Devendranath Vs. State of U.T. Chandigarh and others*, passed in CRM-M-23281-2023, to contend that FIR can be quashed on the basis of compromise, when the victim-prosecutrix has attained the majority and consented to get the FIR quashed.

3. On 18.11.2024, learned State counsel was directed to examine the veracity of marriage between petitioner and daughter of respondent No. 2 and file specific affidavit in this Court before this Court.

4. Learned State counsel, on instructions from Balwinder Singh, submits that petitioner and daughter of respondent No. 2 have performed marriage on 02.12.2024 and they are currently cohabiting together as husband and wife. Learned State counsel has filed reply by way of affidavit of Jatinder Chauhan, PPS, Deputy Superintendent of Police, Sub-Division, Kharar, District SAS Nagar on behalf of respondent No. 1-State of Punjab. Same is taken on record.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that petitioner and daughter of respondent No. 2 are major at the time of marriage and they are cohabiting together as husband and wife.

6. In view of the above and, this petition is allowed and FIR No. 228 dated 18.10.2020 registered under Sections 363/366-A of Indian Penal

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Code at Police Station City Kharar, District SAS Nagar (Annexure P-1)

along with all subsequent proceedings arising therefrom are quashed, qua

the petitioner.

(HARPREET SINGH BRAR)

JUDGE

05.12.2024

Ajay Goswami

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |