



217

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43045-2021

Date of decision: 16.12.2024

Gurbir Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Kamal Chaudhary, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ankur Jain, Advocate
for respondent No.2.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.15 dated 23.02.2021 under Sections 363/366 of IPC registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) along with all other subsequent proceedings arising therefrom.

On 07.11.2024, the following order was passed:-

'The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR bearing No.15 dated 23.02.2021 registered under Sections 363, 366 of IPC at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all the consequential proceedings arising therefrom.

Learned counsel for the petitioners inter alia contends that petitioner No.1 and respondent No.2 fell in love with each other and they intended to marry, however, their relationship was opposed to the family of respondent No.2. As such, both of them eloped and performed marriage on 19.07.2021, after respondent No.2 had attained the age of majority. Thereafter, they approached this Court and jointly filed a petition bearing CRWP No.5151 of 2021 seeking protection to their life and liberty from the family members of respondent No.2. Petitioner No.1 and respondent No.2 are living happily and cohabiting together as a married couple. Furthermore,



CRM-M-43045-2021

-2-

*respondent No.2 is the effected party, however, the complainant is only an informant and she is major and conscious of her welfare. Reliance in this regard has been placed upon the judgment of the Hon'ble Supreme Court passed in '**K. Dhandapani Vs. The State by The Inspector of Police**' 2022 SCC Online SC 1056 and a full Bench judgment of the Delhi High Court passed in '**Lajja Devi Vs. State**' 2012 (4) CCR 72.*

In view of the above, learned State counsel is directed to verify the veracity of marriage between petitioner No.1 and respondent No.2 and file affidavit in this regard.

The office report indicates that notice to respondent no.2 could not be issued for want of process fee, in pursuance of issuance of notice of motion order on 12.10.2021 and 14.10.2022. Learned counsel for the petitioner undertakes to do the needful within a period of one week.

On doing so, let fresh notice to respondent No.2 be also issued for 11.12.2024.'

The learned State counsel filed a short reply by way of affidavit of Sh. Preetinder Singh, PPS, Deputy Superintendent of Police, Sub Division Valtaha, Camp at Bhikhiwind, District Tarn Taran, on behalf of respondent No.1-State in compliance of order dated 07.11.2024 passed by this Court and the same is taken on record. He further submits that the veracity of the marriage between petitioner No.1 and respondent No.2 has been examined and he refers to para 7 of the affidavit where the following was stated.

'7. That on the receipt of order dated 07.11.2024, the statement of respondent No.4 namely Jassa Singh son of Makhan Singh (Father of petitioner No.1) has been recorded in which he got recorded that the marriage of petitioner No.1 namely Gurbir Singh and respondent No.2 Navneet Kaur has been solemnized on 19.07.2021 and out of their wedlock, 2 children i.e. son namely Karanbir Singh aged about 2 years and daughter namely Lakshmi Kaur aged about 5 months were born out and now, they are happily residing with each other and in this regard, the respondent No.4 also produced marriage certificate of petitioner No.1 and respondent No.2 issued by Gurudwara Dasmesh Pita Patshahi Daswi on 19.07.2024.'

In view of the fact that the victim/prosecutrix is major and she is cohabiting as a legally wedded wife of petitioner No.1 and the couple has been blessed with two children, FIR No.15 dated 23.02.2021 under Sections 363/366

of IPC registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) along with all other subsequent proceedings arising therefrom, are hereby quashed.

(HARPREET SINGH BRAR)
JUDGE

16.12.2024
Neha

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