



CRM-M-48455-2023 (O&M)

1

240 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48455-2023 (O&M)

Date of Decision: 03.09.2024

DHARMINDER SINGH @ MANI AND OTHERS

...PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Jagdeep Kaur, Advocate for
Ms. Preety Arya, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. The present petition is preferred under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') seeking quashing of FIR No. 156 dated 31.10.2022 registered under Sections 363, 366 IPC (Section 120-B IPC added later on vide GD No. 27 dated 10.11.2022) at Police Station Sadar Batala, District Batala.

2. Learned counsel for the petitioner contends that the prosecutrix i.e. the niece of respondent No.2- complainant, had fled from her home with petitioner No.1 of her own accord. Petitioner No.1 and the prosecutrix also filed a petition bearing no. CRWP-40-2023 seeking protection of their life and liberty from respondent No.2 and his relatives. Further, no specific roles have been attributed to petitioners No.2 and 3, who were arraigned as accused later on vide GD No. 27 dated 10.11.2022, merely because they are related to petitioner No.1.

Furthermore, there is a delay of 2-3 days in registration of FIR(supra) which remains unexplained on the part of the prosecution. Petitioner No.1 and the



CRM-M-48455-2023 (O&M)

2

prosecutrix have gotten married and are residing together as husband and wife, as such, no useful purpose will be served by continuing proveniences in FIR(supra). Reliance in this regard can be placed on the judgments rendered by the Hon'ble Supreme Court in *K. Dhandapani vs. The State 2022(2) R.C.R.(Criminal) 987*, this Court in *Devendranath vs. State of U.T. Chandigarh and Others* in CRM-M-23281-2023 and a Full Bench judgment of Delhi High Court passed in *Court on its Own Motion (Lajja Devi) vs. State 2012 (4) CCR 72*.

3. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner No.1 and the prosecutrix have gotten married and are currently residing together as husband and wife. The status report filed by the State, already available on the record, indicates that statement of the prosecutrix was recorded under Section 164 of Cr.P.C. before learned Judicial Magistrate Ist Class, Batala, on 11.08.2023, wherein she specifically admitted to leaving her house on her own free will. She further stated that she has solemnised marriage with petitioner No.1 and affirms that they are currently residing together in her matrimonial home. The report also indicates that the prosecutrix refused medico-legal examination.

4. Further, respondent No.2 submitted a school certificate wherein the date of birth of the prosecutrix is reflected as 26.01.2005. As such, at time of recording of her statement under Section 164 Cr.P.C. on 11.08.2023, she had attained the age of majority. A Full Bench of Delhi High Court in *Court on its Own Motion(Lajja Devi) vs. State (supra)* has held that if the girl is over 16 years of age and makes a statement to the effect that she left of her own volition and records a statement indicating that her consent was obtained without any force, coercion or undue influence, the Court will be within its power to accept

**CRM-M-48455-2023 (O&M)****3**

the statement and quash proceedings under Section 363 or 376 of the IPC. It has been further held that the FIR can be quashed if after attaining the age of majority, she affirms and reiterates her consent.

5. The prosecutrix has attained the age of majority and affirmed that she left her home of her own volition and married petitioner No.1. The couple is now happily residing with each other as husband and wife. If the criminal proceedings against the petitioners allowed to continue, the marital life of the couple would unjustly be disturbed and leave the prosecutrix bereft of financial and emotional support. Thus, no useful purpose would be served by continuing the proceedings as the chances of conviction are abysmal. The continuance of the present proceedings in the present case would be nothing but wastage of valuable judicial time, especially, when the Courts are already over-burdened.

6. In view of the discussion above, the present petition is allowed and FIR No. 156 dated 31.10.2022 registered under Sections 363, 366 of IPC (Section 120-B of IPC added later on vide GD No. 27 dated 10.11.2022) at Police Station Sadar Batala, District Batala and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.09.2024*Ajay Goswami*

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