

CRM-M-60171-2024 (O&M)

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136 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-60171-2024 (O&M)

Date of Decision: 02.12.2024

KARAN @ KABIR @ KAMAL

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Kuljeet Kaur Adhen, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

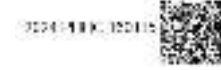
Mr. Jagraj Singh, Advocate for respondent No. 3.

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**Harpreet Singh Brar J.(Oral)**

1. Present petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita (BNSS) seeking quashing of FIR No. 77 dated 08.07.2023 (Annexure P-1) under Sections 363 and 366-A of Indian Penal Code registered at Police Station Basti Bawa Khel, District Jalandhar and all subsequent proceedings arising therefrom.

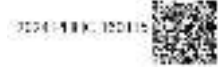
2. Learned counsel for the petitioner *inter alia* contends that petitioner has married with the daughter of respondent No. 2 i.e. respondent No. 3 and both petitioner and respondent No. 3 are in love with each other and they eloped to get married. Thereafter, they approached this Court seeking protection to their life and liberty and filed joint petition bearing No. CRWP-7866-2023 and the said criminal writ petition was disposed of vide order dated 11.08.2023 (Annexure P-2) and after passing of the order in the aforementioned criminal writ petition, the petitioner and respondent No. 3 started residing together and they solemnized marriage on 14.01.2024, as discernible from Annexure P-3. Thereafter, the statement of respondent No.



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3 was got recorded under Section 164 Cr.P.C. (Annexure P-4), after her production before the learned jurisdictional Magistrate, in which respondent No. 3 has clearly stated that she left her parental home of her own violation and she is not interested in taking any action against anyone. Learned counsel further submits that even respondent No. 2 has accepted their marriage and has effected written compromise, which was executed and duly signed by respondent No. 2 on 04.10.2024 (Annexure P-5). Thereafter, the petitioner approached this Court by filing CRM-M-51281-2024 seeking quashing of FIR(supra) on the basis of compromise, however, when the directions were issued with regard to recording of statements of the parties before the jurisdictional Magistrate, respondent No. 2 did not co-operate and has not come forward. As such, the aforementioned petition was dismissed as withdrawn. Learned counsel for the petitioner is seeking quashing of FIR(supra) on the ground that respondent No. 3 is major and she is conscious of her welfare and she can take decision for herself and respondent No. 2 was only informant and 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. Learned counsel for respondent No. 3 appears and submits that respondent No. 3 is cohabiting with petitioner as his legally wedded wife after performing marriage with him.
4. Learned State counsel on instructions from ASI Jaspal Singh submits that veracity of marriage between the petitioner and respondent No. 3 has been thoroughly examined and verified and further submits that they have, in fact, approached this Court by filing CRWP-7866-2023 and they have also performed marriage on 14.01.2024 and both of them are cohabiting together as husband and wife. Learned State counsel has also placed on record the statement of respondent No. 3 dated 21.10.2023 recorded under Section 164 Cr.P.C. before the jurisdictional Court.
5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that petitioner and respondent No. 3 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. 77 dated 08.07.2023 (Annexure P-1) under Sections 363 and 366-A of Indian Penal Code registered at Police Station Basti Bawa Khel, District Jalandhar along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)

JUDGE

02.12.2024

Ajay Goswami

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |