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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-30517-2025(O&M)**

Date of Decision : 09.07.2025

GAGANJEET SINGH @ GAURAV

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Manpreet Singh Dua, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Himanshu Joshi, Advocate for respondent No.3.

KIRTI SINGH, J.(Oral)

The instant petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) for quashing of the FIR No.95 dated 18.06.2022, under Sections 363 & 366-A IPC, registered at Police Station City Batala, District Batala and all the subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR on the statement of respondent No.2-the mother of the prosecutrix, who has been made a party to the present petition as respondent No.3 alleging therein that the petitioner had enticed away the respondent No.3 on the pretext of marriage. Learned counsel further submits that, in fact, the petitioner and respondent No.3 were in a consensual relationship and voluntarily solemnized marriage on 20.05.2025, as can be seen from the marriage certificate annexed at Annexure P-2, and have been happily



residing together as husband and wife. It is thus prayed that since the parties are happily married, therefore, the criminal proceedings that are looming large over the petitioner be quashed. In support of his contention, learned counsel places reliance on the joint affidavit of the petitioner and respondent No.3 and her brother annexed at Annexure P-5. Further reliance is placed also on the judgment passed by this Court in CRM-M-28074-2009 titled as "*Dharamvir alias Sabhi Vs. State of Punjab and Ors.*"

3. Learned counsel for respondent No.3-prosecutrix affirms that aforesaid submissions of learned counsel for the petitioner to be true.

4. Per Contra, learned counsel for the State objects to the prayer for quashing of the impugned FIR (Annexure P-1) and submits that grave, serious and specific allegations have been made against the petitioner by respondent No.2-complainant, in view of which the present petition deserves to be dismissed.

5. Despite service being effected upon respondent No.2, there is no representation on her behalf.

6. Heard the contentions advanced the learned counsel for the parties and perused the judicial file.

7. This Court while issuing notice of motion vide order dated 29.05.2025, directed for the recording of the statement of respondent No.3 before the Area Magistrate/trial Court with regard to the factum of her marriage with the petitioner.

8. Pursuant to the aforesaid order, report dated 13.06.2025 has been received from the Sub Divisional Judicial Magistrate, Batala. A perusal of the said report reveals that statement of respondent No.3 has been recorded in the present case, who has stated that she was neither kidnapped nor induced by anyone,



including the petitioner. She, having attained the age of majority, solemnized marriage with the petitioner on her free will on 20.05.2025 and is living happily with the petitioner at his house as husband and wife.

9. In compliance to the order dated 29.05.2025, both the parties are present in Court today and duly identified by their respective counsel. Upon specific query from the Court, petitioner and respondent No.3 affirm that they have solemnized marriage on 20.05.2025 and are residing together happily since then. Respondent No.3/prosecutrix made a submission to the effect that she does not wish for the criminal proceedings against the petitioner to continue.

10. The Hon'ble Supreme Court when faced with similar circumstances in ***Mafat Lal v. State of Rajasthan 2022(2) RCR (Criminal) 743***, quashed the FIR against the appellant therein by observing that:

“7. Before this Court, also the abductee has joined the accused as appellant No.2. Once again similar stand has been taken as was taken before the High Court. Both the appellants have filed separate affidavits. Appellant No.2 has specifically stated before the High Court as also before this Court that she had left her parental home on her own free volition. The appellants are married since December 2006 and have been living happily. They have also been blessed with a son in the year 2014 who would now be 8 years old. No fruitful purpose would be served by relegating the matter for conducting the trial as the same would not be conducive for either of the appellants. It would be a futile exercise. Kidnapping would necessarily involve enticing or taking away any minor under eighteen years of age if a female for the offence under Section 363 IPC. In the present case, the abductee had clearly stated that she was neither taken away nor induced and that she had left her home of her own free will. Section 366 IPC would come into play only where there is a forceful compulsion of marriage, by kidnapping or by inducing a woman. This offence also would not be made out once the appellant no.2 the abductee has clearly stated that she was in love with the appellant no.1 and that she left her home on account of the disturbing circumstances at her parental home as the said relationship was not acceptable to her father and that she married appellant no.1 on her own free will without any influence being exercised by appellant no.1.”

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11. Reverting to present petition, this Court is of the considered view that since petitioner and the prosecutrix-respondent No.3 are now happily married, continuing with the criminal proceedings will cause undue harassment to the petitioner and as also to respondent No.3.

12. As a fallout, the present petition is allowed and FIR No.95 dated 18.06.2022, under Sections 363 & 366-A IPC, registered at Police Station City Batala, District Batala and all subsequent proceedings arising therefrom are quashed qua the present petitioner.

Pending application(s), if any, also stands disposed of accordingly.

09.07.2025

Kavita

**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No