



CRM-M-52575-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52575-2024 (O&M)
Date of Decision: 14.01.2025

NIKAL KUMAR @ NIKHAL GUPTA

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Dhiraj Jindal, Advocate
for the petitioner

Mr. R.S.Thind, DAG Punjab.

Mr. Mohit Shukla, Advocate for
Mr. Sahil Siddharth Jain, Advocate for respondent No.3.

KIRTI SINGH, J.(Oral)

Prayer in the present petition is for quashing of FIR No.122 dated 14.09.2023 under Sections 363 and 366-A of Indian Penal Code registered at Police Station Amargarh, District Malerkotla and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner inter alia contends that the petitioner was in love with the daughter of the complainant-respondent No.2 and the petitioner solemnized marriage with the prosecutrix/respondent No.3-Deepi Sharma, on 26.09.2023, and since then, they have been living together as husband and wife. At the time of the marriage, the prosecutrix was major. The prosecutrix/respondent No.3 voluntarily recorded her statement under Section 164



3), which reads as follows:

“I went on a trip with Nikal Kumar on 14.09.2023 with my own free will. Nikal Kumar neither asked nor forced me to go with him. Now I got married to Nikal Kumar on 26.09.2023. There is no fault of Nikal.”

3. Learned counsel also submits that the petitioner was granted interim anticipatory bail by the learned Additional Sessions Judge, Sangrur, vide order dated 10.10.2023 (Annexure P-4), which was subsequently confirmed vide order dated 16.10.2023 (Annexure P-5). Respondent No.3, along with the petitioner, had also filed a protection petition bearing No.CRM-1693-2023 (Annexure P-6) titled as ***Deepi Sharma and another Vs. State of Punjab and others***, against her parents and others before the learned Sessions Judge, Sangrur.

4. 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.

5. In compliance of order dated 22.10.2024, affidavit dated 13.01.2025 of PPS, Senior Superintendent of Police, Malerkotla on behalf of respondent-State has been filed by learned State counsel in Court today, which is taken on record. Per contra, learned State counsel could not controvert the fact that petitioner and respondent No.3 have been married and are cohabiting together as legally wedded husband and wife.



6. I have 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 were major at the time of marriage and they are cohabiting together as husband and wife.

7. In view of the above, this petition is allowed and FIR No.122 dated 14.09.2023 under Sections 363 and 366-A of Indian Penal Code registered at Police Station Amargarh, District Malerkotla along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

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

14.01.2025
Kavita

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No