
(2010) 04 UK CK 0040
In the Uttarakhand High Court

Manjeet Gupta, Deepak Gupta, Dinesh Gupta and Khalil Ahmad

APPELLANT

Vs

State of Uttarakhand and Iqbal Singh Bhullar

RESPONDENT

Date of Decision : 15-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 342, 366, 376, 417

Citation : (2010) 04 UK CK 0040

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard learned Counsel for the petitioners and learned Counsel for respondent No. 1/State.

2. Petitioner No. 1 Manjeet Gupta is present in person before this Court, and she was heard in person.

3. By means of this petition, moved u/s 482 of the Code of Criminal Procedure, 1973 (hereinafter referred as Cr.P.C.), the petitioners have sought quashing of the proceedings of Criminal Case No. 847 of 2009; State v. Deepak Gupta and Ors., relating to offences punishable u/s 366, 376, 417, 342, 120B of I.P.C., pending in the court of Judicial Magistrate, Khatima, District Udham Singh Nagar.

4. Learned Counsel for the petitioners pleaded that the petitioner No. 1 (daughter of respondent No. 2 Iqbal Singh Bhullar/complainant) was in love with petitioner No. 2 Deepak Gupta. It is further pleaded that the two got married with each other on 27th of July 2008. Copy of certificate of marriage is filed as Annexure?3 to the petition. It is further pleaded that petitioner No. 1 was major on the date of marriage, as her date of birth is 02.08.1985. In support of said plea copy of the High School marksheet is filed as Annexure?1 to the petition. The girl (petitioner No. 1) who is present in person before this Court, on enquiry

affirmed that she is married to petitioner No. 2 Deepak Gupta. She further states that she had gone with him on her own volition. She is major. Apart from this, copy of application dated 19.09.2008, submitted by complainant Iqbal Singh Bhullar (respondent No. 2), Annexure ?12 to the petition, shows that he himself has written a letter to the District Magistrate stating that his daughter had married against his wishes with Deepak Gupta, and he would not keep any concern with his daughter. In said letter it is also admitted by the complainant that petitioner No. 1 and petitioner No. 2 are married in July 2008, against wishes of their parents.

5. In the above circumstances, in view of the principle of law laid down in Lata Singh Vs. State of U.P. and Another, , this Court is of the view that the impugned proceedings are liable to be quashed. Accordingly, the petition u/s 482 of Cr.P.C. is allowed. The proceedings of criminal case No. 847 of 2009, State v. Deepak Gupta and Ors., relating to offences punishable u/s 366, 376, 417, 342, 120B of I.P.C., pending in the court of Judicial Magistrate, Khatima, District Udham Singh Nagar, are hereby quashed.