

(2018) 08 P&H CK 0149

In the Punjab And Haryana At Chandigarh

Case No : Criminal MiscellaneousM No. 9784 of 2017

Manpreet Singh @ Laddu and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 13-08-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 173, 482

Indian Penal Code, 1860 — Section 361, 363, 366

Hindu Marriage Act, 1955 — Section 5

Citation : (2018) 08 P&H CK 0149

Hon'ble Judges : H.S. MADAAN, J

Bench : Single Bench

Advocate : Vikas Gupta, Rakeshinder Singh Sidhu, Minkal Thatai

Final Decision : Dismissed

Judgement

Mr. Vikas Gupta, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Minkal Thatai, Advocate for respondent no.

This petition under Section 482 Cr.PC. seeking quashing of F.I.R. No.157 dated 2.8.2015 under Sections 363/366 IPC registered with Police Station

Sadar Tarn Taran has been filed by petitioners Manpreet Singh @ Laddu, Harjinder Kaur @ Sharanjit Kaur, Davinder Singh and Gora Singh @ Gora

@ Gurinder Singh, all of them being accused in the said F.I.R.

According to the petitioners, the F.I.R. is an outcome of love affair between petitioner Manpreet Singh @ Laddu and respondent no. 3 Kirandeep

Kaur, daughter of respondent no. 2 Baldev Singh-complainant. Both of them have performed run away marriage against the wishes of Baldev Singh-

respondent no.2.

Manpreet Singh @ Laddu and Kirandeep Kaur had approached this Court by moving a petition bearing CRM-M-878 of 2016, which was disposed of vide order dated 12.1.2016.

Kirandeep Kaur-respondent no. 3 is a major and is residing happily with her husband petitioner no. 1. Manpreet Singh @ Laddu and was blessed with a female child namely Simranpreet Kaur on 27.5.2016. The F.I.R. is an abuse of process of law and was lodged with the sole motive to harass and humiliate the petitioner and to compel the petitioners to compromise the matter, therefore, F.I.R. and ancillary proceedings be quashed.

Notice of petition was given to the respondents. Respondent no. 1 State of Punjab had appeared through State counsel. Respondent no. 2 was served but did not appear, whereas respondent no. 3 put in appearance through counsel.

In the written reply filed on behalf of respondent no. 1, it is contended that F.I.R. No. 157 dated 2.8.2015 for offences under Section 363/366 A IPC

was registered on the statement of Baldev Singh son of Kartar Singh resident of village Pidli, Tehsil and District Tarn Taran against the present

petitioners on the allegations that on 31.7.2015 in the morning he found that his minor daughter Kirandeep Kaur, aged 17 years was not present in the

house. Efforts were made to locate her but were unsuccessful. Complainant in the statement to the police had stated that he was of the firm view that

Kirandeep Kaur has been taken away by Manpreet Singh @ Laddu son of Charanjit Singh of their locality, his sister namely Harjinder Kaur @

Sharanjit Kaur, Davinder Singh son of Savinder Singh, Gora Singh @ Gora @ Gurinder son of Joginder Singh, by alluring her on the pretext of

marriage. After registration of the F.I.R., the matter was investigated.

Despite best efforts accused have not been arrested so far. However, on completion of investigation final report under Section 173 Cr.P.C. would be

presented. Such respondent pray for dismissal of the petition.

I have heard learned counsel for the petitioners, learned counsel for respondent no. 3 besides going through the record.

From perusal of the F.I.R. in which petitioners Manpreet Singh @ Laddu, Harjinder Kaur @ Sharanjit Kaur, Davinder Singh and Gora Singh @ Gora

@ Gurinder Singh are named and criminal acts have been attributed to them of their kidnapping minor daughter of complainant on allurement of

marriage which acts disclose offence of committing kidnapping from lawful guardianship under Section 361 IPC punishable under Section 363 IPC as

well as Section 366 IPC. Therefore, it cannot be said that the F.I.R. does not disclose commission of any cognizable offence. Next coming to the

contention of petitioners that Kirandeep Kaur and Manpreet Singh @ Laddu had performed marriage against the wishes of father of Kirandeep Kaur

namely Baldev Singh-complainant and had sought protection from this Court also. Kirandeep Kaur had married Manpreet Singh @ Laddu of her own

will and is now residing with him as his legally wedded wife and the couple is blessed with a daughter even. But that does not nullify or dilute the

offences. Law is well settled that consent of a minor is no consent in the eyes of law. Further more the marriage said to have been performed

between petitioner no. 1 Manpreet Singh @ Laddu and respondent no. 2 Kirandeep Kaur is in violation of the conditions provided for a valid marriage

under Section 5 of the Hindu Marriage Act and cannot be said to be a valid marriage.

As regards Manpreet Singh @ Laddu and Kirandeep Kaur approaching this Court for getting protection, a perusal of order passed by this Court dated

12.1.2016 in CRM-M-878 of 2016 goes to show that it is clearly mentioned that the order shall not be taken to be proof of valid marriage. Order was

passed with a direction to Superintendent of Police, Tarn Taran to consider the application of petitioners and assess threat perception to the life and

liberty of the petitioners and then to take necessary steps. The petitioners cannot take advantage of this order.

Counsel for the petitioners has referred to the authority *Angreg Singh versus State of Punjab and others* 2016(3) R.C.R. (Criminal) 752 by a

coordinate Bench. However, this authority is not helpful to the petitioners since as per facts of the authority, the girl in question was major whereas in

this case the girl in question was a minor at the time of the incident.

The matter is being investigated by the police. If, after investigation the police comes to the conclusion that no offence is made out against the

petitioners then it may not forward them to face trial and prepare a cancellation report, however, if it comes to conclusion that offences were

committed then they would be forwarded to face trial. At this stage, I do not see any reason to quash the F.I.R. while exercising powers under

Section 482 Cr.P.C..

The petition is found to be without any merit and is dismissed accordingly.