
(2016) 05 P&H CK 0213
In the Punjab And Haryana At Chandigarh
Case No : Crl. Misc. No. M 37050 of 2015

Prem Kumar @ Premdhar Rai

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 03-05-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Penal Code, 1860 (IPC) — Section 366, 376

Protection of Children from Sexual Offences Act, 2012 — Section 4

Citation : (2016) 3 LawHerald 2161 : (2016) 4 RCRCriminal 726

Hon'ble Judges : Mrs. Daya Chaudhary, J.

Bench : Single Bench

Advocate : Mr. Surinder Thakur, Advocate, for the Appellant; Mr. Rupam Aggarwal, D.A.G., Punjab, Mr. Bhupeshwar Jaswal, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Daya Chaudhary, J.—(Oral) Petitioner-Prem Kumar @ Premdhar Rai has approached this Court by way of filing the present petition for quashing of FIR No.45 dated 17.03.2013 registered under Sections 363, 366-A and 376 IPC and Section 4 of the Prevention of Children from Sexual Offences Act, 2012 at Police Station Sadar Hoshiarpur, District Hoshiarpur along with all consequential proceedings arising therefrom, on the basis of compromise.

2. Learned counsel for the petitioner submits that a compromise has been arrived at between the parties and no offence is made out under Sections 363, 366-A and 376 IPC. The FIR, in question, was registered at the instance of mother of the victim as she was not happy with the marriage of her daughter with accused Prem Kumar but subsequently, their marriage was accepted by the parents of victim and a female child was also born out of the said wedlock. Since the husband is in custody, the victim is residing with her parents.

3. On perusal of statements of the parties and especially, the statement of victim-Pooja, it is clear that she was having affair with accused-Prem Kumar and she

went with him as per own free will and solemnized marriage. Out of the said wedlock, a female child was born on 26.04.2014. Earlier the parents of the victim were against the marriage but subsequently, they accepted the same and are now on visiting terms with each other.

4. Victim-Pooja along with her child is present in the Court and has been identified by her counsel. She has re-iterated the same version as has been made by her before the Additional Sessions Judge, Hoshiarpur.

5. After hearing the arguments of learned counsel for the petitioner and on perusal of documents available on the file as well as statements of the parties recorded in view of directions issued by this Court on 30.10.2015, it appears to be a case of love marriage which was solemnized contrary to the wishes of parents of the victim and hence, the FIR, in question, was registered at the instance of mother of the victim. Subsequently, the marriage has been accepted and now the complainant as well as victim have no objection in quashing of FIR as well as other proceedings arising therefrom. Moreover, a child has also born out of the said wedlock, hence, no offence under Sections 363, 366-A and 376 IPC is made out against the petitioner.

6. By exercising the powers under Section 482 Cr.P.C and by considering the statements of the parties including the statement of the victim, the present petition is allowed and FIR No.45 dated 17.03.2013 registered under Sections 363, 366-A and 376 IPC and Section 4 of Prevention of Children from Sexual Offences Act, 2012 at Police Station Sadar Hoshiarpur, District Hoshiarpur along with all consequential proceedings arising therefrom, qua petitioner Prem Kumar @ Premdhar Rai are hereby quashed.