

Crl. Misc. No. M-12001 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No. M-12001 of 2015

Date of decision: 21.07.2015

Vikash

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - None for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

Respondent No.2 in person.

Mr. Harjeet Singh, Advocate, for respondent No.3.

PARAMJEET SINGH, J. (ORAL)

Instant petition under Section 482 of the Code of Criminal Procedure has been filed for quashing the FIR No.759 dated 21.09.2014 registered under Sections 363, 366 IPC at Police Station Jind City, Jind.

It is the case of the petitioner that respondent No.3 is the daughter of respondent No.2. Petitioner and respondent No.3 have got married against the wishes of respondent No.2 and now they are living together as husband and wife. Respondent No.3 had left the house of her parents of her own will without any threat, pressure, inducement or allurements and was not taken or enticed by the petitioner. No offence stands committed by the petitioner. On the allegations that Lalita was allured by the petitioner, respondent No.2 had lodged a report against the petitioner on which case bearing FIR No. 759 dated 21.09.2014 was

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registered at Police Station Jind City, District Jind, for an offence punishable under Sections 363 and 366 IPC. It is pleaded that no case of kidnapping is made out against the petitioner because both, petitioner and respondent No.3, were in love and they went away of their own will and have married and are living together.

In pursuance of notice of motion, respondent No.2 is present in Court. He has shown his Aadhaar Card to the Court as identity proof and photocopy of the same is taken on record. He submits that the FIR in question has been registered at his instance. He has no objection if the FIR is ordered to be quashed.

Reply on behalf of the State, filed in Court today, is taken on record. It is averred in the reply that cancellation report has been prepared in the FIR in question and same shall be presented before the competent Court.

Since respondent No.2/complainant has no objection in quashing the FIR in question and petitioner and respondent No.3 are residing together as husband and wife, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Consequently, in view of the statement of respondent No.2 made in Court today and keeping in view the law laid down by the Hon'ble Supreme Court in the case of *Madan Mohan Abbot v. State of Punjab*, 2008(2) RCR (Criminal) 429, *Gian Singh v. State of Punjab and another*, 2012(4) RCR (Criminal) 543, *Narinder Singh and others v. State of Punjab and another*, 2014(2) RCR (Criminal) 482 and Full Bench judgment of this Court in the case of *Kulwinder Singh and*

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others vs. State of Punjab and another, 2007(3) RCR (Crl.) 1052, no useful purpose would be served in prolonging the litigation, especially when this case does not fall within the category of exceptional cases where this Court should not exercise its inherent jurisdictional power to quash the criminal proceedings, as held in *Gian Singh's* case (supra). In the facts and circumstances of this case it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of the criminal proceedings would amount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end.

The present petition is allowed. FIR No.759 dated 21.09.2014 registered under Sections 363, 366 IPC at Police Station Jind City, Jind, along with all consequential proceedings arising out of it, is quashed.

(Paramjeet Singh)
Judge

July 21, 2015
R.S.