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

CRM-M-13966 of 2015

Date of Decision: October 08, 2015

Sachin @ Banti

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashok Kumar Sharma, Advocate
for the petitioner.

Ms. Dimple Jain, AAG Haryana.

Mr. Deepak Vashisth, Advocate
for respondent No.2.

Mr. V.D. Sharma, Advocate
for respondent No.3.

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0223 dated 06.04.2015, under Sections 363, 366 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Jind, District Jind and all consequential proceedings arising therefrom.

Prosecution story, in brief, is that respondent No.3 daughter of the complainant-respondent No.2 had been taken away by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has performed marriage with respondent No.3 who is the daughter of respondent No.2 against the wishes of her parents. Due to this reason, respondent No.2 has got registered the FIR in question against the petitioner. Presently,

respondent No.3 is residing in her matrimonial home with the petitioner.

Learned State counsel on as well as learned counsel for respondent No.2, on the other hand, have opposed the petition. Learned counsel for respondent No.2 has submitted that the daughter of the respondent No.2 had performed marriage with the petitioner without his consent. In fact, daughter of the respondent No.2 had been kidnapped by the petitioner.

Learned counsel for the respondent No.3 has submitted that respondent No.3 has performed marriage with the petitioner and is presently residing in her matrimonial home with the petitioner.

Annexure P-4 is the copy of the order dated 09.04.2015 passed in Crl. Misc. No.M-11534 of 2015 filed by respondent No.3 and the petitioner. The said order reads as under:

"Both the petitioners are present in person and stated to be major and they have not earlier married.

Date of birth of petitioner No. 2-Sachin is 11.03.1994, for which he has filed affidavit dated 07.04.2015 (Annexure P-2).

Notice of motion to respondents No. 1 to 3 only, at this stage.

On the asking of Court, Mr. Surender Singh, AAG, Haryana, accepts notice on behalf of respondents No. 1 to 3.

Let three copies of paper-book be supplied to learned State counsel during the course of day.

In view of the limited prayer made in the

petition and without commenting upon the validity of marriage or the correctness of ages, the instant petition is disposed of with a direction to respondent No. 2-Superintendent of Police, Jind to look into the allegations contained in representation dated 06.04.2015 (Annexure P-5) and if warranted, take appropriate steps in accordance with law.

It is made clear that if a complaint for criminal offence or an FIR is pending, this order shall not cause any hindrance in those proceedings.”

Thus, a perusal of the above order reveals that the respondent No.3 as well as the petitioner had appeared before this Court and had sought protection of their lives and liberty.

Since in the present case, petitioner and respondent No.3 have performed marriage and respondent No.3 is presently residing in her matrimonial home with the petitioner, it would be just and expedient to quash the FIR in question. In case, criminal proceedings are allowed to continue, the same would have an adverse influence on the marital life of the daughter of the respondent No.2. Hence, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, this petition is allowed. FIR No.0223 dated 06.04.2015, under Sections 363, 366 IPC, registered at Police Station Jind, District Jind and all the consequential proceedings, arising therefrom, are quashed.

**(SABINA)
JUDGE**

October 08, 2015
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