

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-26175 of 2014

Date of Decision: August 25, 2015

Ravi Kumar and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-.-

Present:- Mr. Surinder Sharma, Advocate
for the petitioners.

Mr. H.K. Athwal, DAG, Punjab

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M.M.S. BEDI, J. (ORAL)

This is a petition for quashing of FIR No. 5 dated February 4, 2014 under Sections 363, 366 IPC, Police Station PAU, Ludhiana, registered at the instance of respondent No.2 alleging that petitioner No.2 has been kidnapped by petitioner No.1.

The stand of petitioner No.1 is that he has married Vanita, sister of the complainant and statement of petitioner No.2 stands recorded under Section 164 Cr.P.C. by the Judicial Magistrate Ist Class, wherein she has admitted her affair with petitioner No.1 and her marriage to him.

Petition has been opposed by State counsel, inter-alia on the ground that the challan has already been presented and that charges stand framed on November 5, 2014 and next date of hearing before the trial Court is August 29, 2015.

In view of the above circumstances, instead of quashing the FIR, this petition is disposed of with a direction to the trial Court to record the statement of petitioner No.2-Vanita on August 29, 2015 or any other date convenient to the Court and in case she deposes regarding her relationship with petitioner No.1 as her husband, it will be open to the trial Court to acquit petitioner No.1 on the basis of said statement.

August 25, 2015
sanjay

(M.M.S.BEDI)
JUDGE