

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

**CRM-M-11570-2015
Date of decision: 20.09.2016**

Pawan Kumar and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ajay Pal Singh, Advocate,
for the petitioners.

Mr. J.S. Riar, AAG, Punjab.

Ritu Bahri, J.

Prayer in this petition is for quashing of FIR No.55 dated 14.04.2014, under Sections 363/366-A IPC (Section 376 IPC added later on), registered at Police Station, Bahav Wala, Tehsil Abohar, District Fazilka (Annexure P-1).

The aforesaid FIR has been registered on the statement made by Phoola Ram-respondent No.2 to the effect that about 3 months back, Hanuman Kicher, his brother-Ram Murti @ Sadhu Ram and nephew-Sunil @ Sonu came to his house and gave proposal to marry his daughter-Kanchan Bala with the son of Hanuman Kicher. However, the complainant refused to accept that proposal. On 11.04.2014, after taking dinner, he and his family members went to sleep. In the morning, they found that their daughter-Kanchan Bala was not present in the house. They searched her

everywhere, but could not locate her. He apprehended that his daughter-Kanchan Bala, who was minor at that time, had been allured and kidnapped by Pawan Kumar son of Hanuman Kicher and Sunil @ Sonu. In this background, the FIR was got registered.

Thereafter, Kanchan Bala (daughter of respondent No.2) solemnized marriage with Pawan Kumar-petitioner No.1 on 06.05.2014 in a temple at Mohali against the wishes of the complainant. On 19.05.2014, Kanchan Bala was produced before the Judicial Magistrate Ist Class, Abohar, from where she was sent to Nari Niketan, Jalandhar. Thereafter, petitioner No.1 approached this Court by filing CRM-M-24026-2014 seeking custody of his wife. The said petition was dismissed as withdrawn vide order dated 18.07.2014 (Annexure P-3) with liberty to the petitioner to move an application before the Judicial Magistrate, Abohar seeking custody of his wife-Kanchan Bala. Thereafter, on an application made before the Judicial Magistrate Ist Class, Abohar, wife of petitioner No.1 was produced before the Court and vide order dated 15.11.2014 (Annexure P-5), custody of Kanchan Bala was given to her mother-in-law Lichma Devi for her welfare and protection.

As per Aadhar Card, the date of birth of Kanchan Bala is 05.08.1995. At present, the girl has attained the age of majority and is residing with petitioner No.1-Pawan Kumar.

Upon notice, reply by Deputy Superintendent of Police, Sub Division, Balluana, District Fazilka, on behalf of respondent No. 1, has been filed in Court. Same is taken on record. In the reply, it has been stated that statement of complainant-Phoola Ram has been recorded on 13.09.2016, wherein he has stated that he got registered an FIR against Pawan Kumar

and Sunil @ Sonu-petitioners for their having taken away his minor daughter-Kanchan with an intention to marry her. Since the time, Pawan Kumar had taken away her daughter, he is not on visiting terms with her. Statement (Annexure R-2/T) of Kanchan was also recorded on the same day, wherein, she has stated that in May, 2014, she had contracted love marriage with Pawan Kumar-petitioner No.1 at her own will and consent. Out of this wedlock, one girl was born on 07.04.2016. At present, she is happily residing in her matrimonial house at village Kher Pur. She is not on visiting terms with her parents.

In the facts and circumstances of the case and keeping in view the statement made by the prosecutrix (Annexure R-2/T), this Court is of the view that continuation of present criminal proceedings would be an abuse of the process of law and no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.55 dated 14.04.2014, under Sections 363/366-A IPC (Section 376 IPC added later on), registered at Police Station, Bahav Wala, Tehsil Abohar, District Fazilka, is quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

20.09.2016
ajp

(RITU BAHRI)
JUDGE

speaking/non-speaking : Yes/No
Reportable : Yes/No