

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

233

**Criminal Misc. No. M-23438 of 2014
Date of decision: February 16, 2016**

Navneen @ Naveen and others

....Petitioners

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Ashok K. Sharma (Bhana), Advocate
for the petitioners.

Mrs. Neelam Kashyap, DAG, Haryana.

None for respondent No.2.

Respondent No.3-Pooja in person.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Navneen @ Naveen, Joginder and Sushila Devi @ Suman for quashing of FIR No.227 dated 05.07.2014 registered under Sections 365, 363, 366-A, 120-B of the Indian Penal Code (Annexure P-3) and Special report dated 07.07.2014 (Annexure

P-4) at Police Station Safidon, District Jind (Annexure P-3) and others proceedings arising therefrom.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case whereas no offence is made out against them. Petitioner No.1 and respondent No.3-the daughter of the complainant solemnized marriage on 03.07.2014 contrary to the wishes of complainant-respondent No.2. Learned counsel for the petitioners further submits that petitioner No.1 and respondent No.3 have also approached this Court by way of filing **Criminal Misc. No.M-22274 of 2014** for protection of their lives and liberty and a direction was issued to the official respondent to protect their lives and liberty at the hands of private respondents. The present FIR was registered on the basis of statement made by father of respondent No.3 whereas it was a case of run-away marriage. Learned counsel also submits that Petitioner No.1 and respondent No.3 now are residing together as husband and wife. Respondent No.3 is happy in her matrimonial life. They have also been blessed with a son. Learned counsel has also relied upon judgement passed by this Court in case titled as **Dharamvir @ Sabhi vs. State of Punjab and others** in **Criminal Misc. No.M-28074 of 2009** on **03.08.2010**, in support of his contention.

Learned counsel for respondent-State submits that at the time of marriage of respondent No.3, she was seventeen and a half years of age and it cannot be said that no offence is made out against

the petitioners.

Respondent No.3, Pooja is present in the Court and has stated that she has solemnized marriage with petitioner No.1 with her own will and now she is residing happily in her matrimonial home and has no objection in quashing of the FIR and other proceedings arising therefrom.

Notice of motion was issued on 16.07.2014. In response thereto, learned counsel for respondent-State has filed reply by way of an affidavit of Deputy Superintendent of Police, Safidon wherein it has been mentioned that petitioner No.1 and respondent No.3 have solemnized their marriage and also filed **Criminal Misc. No.M-22274 of 2014** before this Court for protection and Superintendent of Police, Jind was directed to ensure protection to the petitioners at the hands of private respondents.

Heard arguments advanced by learned counsel for the parties and have also perused the allegations levelled against the petitioners as well as the documents available on record.

Admittedly, it is a case of run-away marriage and respondent No.3 has specifically stated that she has solemnized marriage with petitioner No.1 with her own will and there is no pressure upon her. Now she is residing in her matrimonial home and has also been blessed with a son. Petitioner No.1 and respondent No.3 have also filed **Criminal Misc. No.M-22274 of 2014** before this Court for protection as they were apprehending threat at the instance

of the complainant. A direction was issued to Superintendent of Police, Jind to ensure their protection. Nowhere it has come in the evidence that it is a case of kidnapping and accordingly, no offence is made out against the petitioners under Sections 365, 363, 366-A, 120-B of the Indian Penal Code. There is no justification in continuation of the proceedings as the parties are residing happily together as husband and wife. More so, it would be a futile exercise and mere wastage of valuable time of the Court as the complainant is not going to support its case. It would not be in the interest/welfare of both the parties in case the proceedings are continued. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

Accordingly, this petition is allowed and FIR No.227 dated 05.07.2014 registered under Sections 365, 363, 366-A, 120-B of the Indian Penal Code at Police Station Safidon, District Jind (Annexure P-3) and Special report dated 07.07.2014 (Annexure P-4) as well as other proceedings arising therefrom qua petitioners, namely, Navneen @ Naveen, Joginder and Sushila Devi @ Suman are hereby quashed.

February 16, 2016
sonia gugnani

(DAYA CHAUDHARY)
JUDGE