

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

**CRM No. M-38034 of 2015
Date of decision: 08.11.2016**

Ajra and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Arun Singla, Advocate,
for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

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

Mr. Gaurav Chadha, Advocate,
for respondent No.3.

Ritu Bahri, J.

Petitioners are seeking quashing of FIR No. 51 dated 12.06.2015, under Sections 363/366-A/120-B IPC, registered at Police Station, Shahpur Kandi, District Pathankot.

Upon notice, reply on behalf of respondent No.1, by way of affidavit of Deputy Superintendent of Police, Dhar Kalan, has been filed, wherein it has been stated that the present FIR has been registered on the basis of statement made by Pardeep Kumar-respondent No.2, alleging therein that his daughter Tanisha Mahajan-respondent No.3 (aged about 17 years), who had passed 10+2 examination, had been enticed and taken away by Firoz Khan-petitioner No.3 on the pretext of marriage. Other family members of petitioner No.3 had connived with him. After registration of the FIR, investigation has been conducted by ASI Sham Lal and Feroz Khan son of Aas Mohammad was arrested on 15.06.2015 and Feroza, Insana and

Ajra Jamaludeen were arrested on 16.06.2015. However, no clue of petitioner No.3 and respondent No.3 was found. Proclamation proceedings were initiated against Firoz Khan-petitioner No.3. On completion of investigation, challan was presented and after facing trial, all other accused have been acquitted vide judgment dated 26.11.2015 passed by the Additional Sessions Judge, Pathankot.

Learned counsel for the petitioners has informed that petitioner No.3-Firoz Khan had surrendered before the Court on 30.11.2015 and joined investigation on 05.12.2015. Once, petitioner No.3 had joined the proceedings, there was no need to initiate proclamation proceedings against him.

An affidavit dated 06.10.2016 given by Tanisha Mahajan-respondent No.3 (daughter of complainant) has been placed on record, wherein she has stated that presently, she is residing with her husband Firoz Khan-petitioner No.3 along with her minor son in the matrimonial house out of her free will and consent. She had performed marriage with Firoz Khan son of Jamuludin as per Muslim rites on 17.06.2015. Since then, she has been residing with her husband. Now she is blessed with a baby boy. It has been further stated that she was not kidnapped or illegally detained by any of her in-laws.

When the present FIR was registered, the prosecutrix was aged about 17 years and 22 days. As of today, she has attained the majority. Keeping in view the affidavit dated 06.10.2016 given by prosecutrix Tanisha Mahajan @ Sanha Khan and the fact that she is residing happily with her husband and minor child in the matrimonial house, this Court is of the view that no useful purpose would be served in prolonging the litigation

as continuation of the proceedings would be an abuse of the process of law.

Resultantly, FIR No. 51 dated 12.06.2015, under Sections 363/366-A/120-B IPC, registered at Police Station, Shahpur Kandi, District Pathankot, is quashed with all consequential proceedings arising therefrom qua the petitioner(s).

The petition stands disposed of accordingly.

08.11.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No