

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

**CRM No. M-2368 of 2017
Date of decision: 10.05.2017**

Krishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Deepshikha Chauhan, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C., is for quashing of FIR No.19 dated 16.01.2016, under Sections 363, 366-A, 120-B and 506 IPC, registered at Police Station, Sadar Gohana, District Sonapat, Haryana (Annexure P-1).

The FIR was registered on the basis of complaint made by Kapil Devi-complainant to the effect that her elder daughter namely Sweety (aged about 15/16 years) was a student of 10+1 in Government School, Moi Hooda. On 12.01.2016, after taking dinner at night, she had gone to sleep in her room. However, in the morning, she was not present in the house. Despite a thorough search, Sweety could not be found anywhere. About 15-20 days back, Krishan-petitioner had taken away Sweety on the pretext of marriage. However, later on, she had returned back. This time also, the

complainant had a suspicion that her daughter had been enticed and taken away by aforesaid Krishan on the pretext of marriage after hatching a conspiracy with his mother-Rani, father-Rajpal and sister. In this background, FIR (Annexure P-1) was got registered.

After registration of the FIR, regular bail was granted to the petitioner vide order dated 16.12.2016 passed by this Court in CRM-M-44191 of 2016 (Annexure P-2).

Learned counsel for the petitioner argued that during the course of investigation, the prosecutrix had made a statement that she had accompanied the petitioner out of her own free will and without any coercion of pressure. Nothing wrong has been done with her. Petitioner and the prosecutrix have solemnized marriage on 04.01.2017 at Arya Samaj Mandir, Delhi. Marriage certificate, in this regard, has been annexed as Annexure P-3. After marriage, daughter of the complainant is happily residing with the petitioner as his wife in her matrimonial house.

Upon notice, status report on behalf of respondent-State, by way of affidavit of Deputy Superintendent of Police, Gohana, has been filed in Court. Same is taken on record. In this report, it has been stated that during investigation, Shyam Mohan, father of Sweety, got recorded his statement (Annexure R-1) to the effect that Sweety had left home and accompanied Krishan-petitioner at her own will. Now, they have compromised the matter with Krishan. He has solemnized the marriage of his daughter-Sweety with Krishan. After marriage, she is residing happily with her husband (petitioner) in her matrimonial home. Statement of Sweety, daughter of complainant, was also recorded, whereby she has stated that on 16.01.2016, she had left home at her own will and accompanied Krishan-petitioner.

Thereafter, they have solemnized marriage. Now, she is residing in her matrimonial home in village Mahra with her husband-Krishan.

Since the prosecutrix has solemnized marriage with the petitioner and at present, she is happily residing with her husband in the matrimonial home, continuation of criminal proceedings on the basis of present FIR, at this stage, would amount to an abuse of the process of Court. Moreover, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.19 dated 16.01.2016, under Sections 363, 366-A, 120-B and 506 IPC, registered at Police Station, Sadar Gohana, District Sonapat, Haryana, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands allowed accordingly.

10.05.2017
ajp

(RITU BAHRI)
JUDGE

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