

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

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Date of decision: 01.05.2017

CRM M 28202 of 2016

Manu alias Monu and others

..... *Petitioners*

Versus

State of Punjab and others

.....*Respondents*

CRM M 4469 of 2016

Sarif

.....*Petitioner*

Versus

State of Punjab and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Amandeep Saini, Advocate
for the petitioners (CRM M 28202 of 2016)

Mr. Mohd. Salim, Advocate
for the petitioner (CRM M 4469 of 2016)

Mr. Mikhail Kad, AAG, Punjab

Mr. R K Chahar, Advocate
for respondent No. 2 and 3

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Rekha Mittal, J.

This order shall dispose of both the aforesaid petitions as they
have emerged out of the same FIR.

Through the present petitions filed under Section 482 of the
Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioners have prayed
for quashing of FIR No. 305 dated 20.12.2015 for offence punishable under
Sections 363 and 366-A read with Section 120-B of the Indian Penal Code

(in short, 'IPC') and Section 8 of The Protection of Children from Sexual Offences Act, 2012 (in short, 'the Act'), registered with Police Station Dasuya, District Hoshiarpur and proceedings emanating therefrom.

In the present case, the aforesaid FIR was got registered at the behest of respondent-Fakardin with regard to kidnapping of her daughter Banni.

Complainant-Fakardin and her alleged kidnapped daughter Banni are present in Court today. Banni, the alleged kidnapped girl got recorded her statement in Court that aforesaid FIR was registered at the behest of her father. As per Muslim Law, after attaining the age more than 16 years, she performed marriage with petitioner No. 1 – Manu alias Monu and has been residing with her husband in her matrimonial home and leading a happy married life. She also stated that in case criminal proceedings lodged by her father are allowed to continue, it may disturb her matrimony.

Complainant – Fakardin also got recorded his statement that her daughter Banni has performed marriage with petitioner No. 1 – Manu alias Monu according to Muslim law and residing at her matrimonial home. He has reconciled with marriage of her daughter with petitioner No. 1 and has no objection if the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed.

Monu-petitioner No. 1 (in CRM M 28202 of 2016) is the main accused and others petitioners are his family members.

Counsel for the State does not dispute the facts in view of statements got recorded by the victim as well as respondent No. 2 in Court.

I have heard counsel for the parties and perused the record particularly statements of the victim and the complainant.

As per the victim, she has performed marriage with petitioner No. 1 (main accused) and is leading a happy married life with him. Further, complainant/respondent No. 2 has reconciled with marriage of his daughter with petitioner No. 1 and has got no objection if the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed. In view of the above, continuation of criminal proceedings would be nothing but an exercise in futility at the cost of wastage of precious time of the Court and harassment to the petitioners.

In the result, the instant petition is allowed, FIR No. 305 dated 20.12.2015 for offence punishable under Sections 363 and 366-A read with Section 120-B IPC and Section 8 of the Act registered with Police Station Dasuya, District Hoshiarpur and proceedings emanating therefrom are quashed qua the petitioners.

A photocopy of the order be placed on the file of connected case.

(Rekha Mittal)
Judge

01.05.2017
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Whether speaking/reasoned	:	Yes/No
whether reportable	:	Yes/No