

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

-.-

Crl. Misc. M 33882 of 2015

Date of decision: 06.04.2017

Nishan Singh alias Lali

..... *Petitioner*

Versus

State of Punjab and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sarvesh Gupta, Advocate
for the petitioner

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 1

Respondent No.2 in person

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Rekha Mittal, J. (Oral)

The present petition under Section 482 of the Code of Criminal Procedure (in short, Cr.P.C.) has been preferred seeking quashing of FIR No. 144 dated 30.05.2015 registered at Police Station Jandiala Guru, District Amritsar Rural for offence punishable under Sections 363 and 366 of the Indian Penal Code (in short, IPC) and proceedings emanating therefrom.

Counsel for the petitioner has submitted that the petitioner has been falsely implicated in said FIR got registered at the instance of Narinder Singh – respondent No. 2, father of the alleged kidnapped girl. It is argued with vehemence that no offence under Sections 363/366 IPC is made out against the petitioner as he neither abducted nor kidnaped

Ravinder Kaur daughter of respondent No. 2. It is argued with vehemence that the petitioner and the alleged kidnapped girl have performed marriage. Further argued that after performing marriage, they approached this Court by way of petition CRM M 18823 of 2015 seeking protection to their lives and liberty. Under the circumstances, continuation of proceedings is a sheer abuse of process of law and have prayed that the FIR and proceedings emanating therefrom may be quashed.

The alleged kidnapped girl is present in the Court. She got recorded her statement that aforesaid FIR was lodged at the instance of her father qua her kidnapping and her date of birth is 17.12.1997. She was not kidnapped by the petitioner and had gone with him with an intent to perform marriage. She has also stated that she has performed marriage with Nishan Singh alias Lalli and is leading a happy married life with her husband. Further, out of the wedlock, a daughter aged about 10 months was born. She further submits that she has got no objection if the aforesaid FIR and proceedings emanating therefrom are quashed. She has also filed her affidavit to that effect in Court.

Counsel for the State does not dispute the facts in view of statement got recorded by the victim in Court.

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

As per the victim, she was not kidnapped by the petitioner, rather had gone with him with an intent to perform marriage. Further, she has performed marriage with the petitioner and is leading a happy married life with him. That being so, no offence as alleged is made out against the accused, thus, 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 petitioner.

In the result, the instant petition is allowed, FIR No. 144 dated 30.05.2015 registered at Police Station Jandiala Guru, District Amritsar Rural for offence punishable under Sections 363 and 366 IPC and proceedings emanating therefrom are ordered to be quashed.

(Rekha Mittal)
Judge

06.04.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No