

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

-.-

Crl. Misc. M 34056 of 2015

Date of decision: 22.02.2017

Zorawar Singh and another

..... Petitioners

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. D S Nigha, Advocate
for the petitioners

Mr. Ankur Jain, AAG, Punjab
for respondent No. 1

Mr. G N Malik, advocate
for respondent No.2

Respondent No. 3 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. 94 dated 12.05.2014 registered at Police Station Sadar Dhuri, District Sangrur for offence punishable under Sections 363 and 366 of the Indian Penal Code (in short, IPC) and proceedings emanating therefrom.

Counsel for the petitioners has submitted that the petitioners have been falsely implicated in said FIR got registered at the instance of Gandhi Khan– respondent No. 2, father of the alleged kidnapped girl. It is argued with vehemence that no offence under Section 363/366 IPC is made out against the petitioners as they neither abducted nor kidnaped Gagandeep

Kaur alias Gagandeep - respondent No. 3. It is argued with vehemence that petitioner No. 1 and respondent No. 3 have performed marriage. Further argued that after performing marriage, they have approached this Court by way of petition CRM M 20292 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 at that time, she was more than 18 years of age. She has also stated that she has performed marriage with Zorawar Singh and is leading a happy married life with her husband. She further submits that she has got no objection if the aforesaid FIR and proceedings emanating therefrom are quashed.

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.

The victim is stated to be major at the time of alleged offence. As per the victim, she has performed marriage with Zorawar - petitioner No. 1 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. 94 dated 12.05.2014 registered at Police Station Sadar Dhuri, District Sangrur for

offence punishable under Sections 363 and 366 of the Indian Penal Code (in short, IPC) and proceedings emanating therefrom are ordered to be quashed.

(Rekha Mittal)
Judge

22.02.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No