

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

250

CRM-M-3670 of 2015
Date of Decision: 04.12.2017

Manpreet Kaur and ors.

..... Petitioners

Versus

State of Punjab and anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Petitioner Nos.1 and 2 in person with
Mr.Rakesh Kumar, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, AAG, Punjab,
for respondent No.1.

Mr.Rajan Bansal, Advocate, for
Mr.Ashish Gupta, Advocate,
for respondent No.2.

JITENDRA CHAUHAN J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR
No.92 dated 23.08.2014 registered under Sections 363, 366, 380 and 506
IPC at Police Station Bajakhana District Faridkot.

It is contended by learned counsel for the petitioners that the
instant FIR was got registered by respondent No.2, who is father of
petitioner No.1, against petitioner Nos.2 and 3. He further refers to order
dated 11.05.2017, whereby it has been noticed that learned State counsel
apprised the Court that the offences under Sections 363, 366 and 506 IPC
were deleted and there are only offences under Sections 380 and 411 IPC.
It is further contended that in this regard, petitioner No.1 has furnished an
affidavit dated 29.03.2017 wherein she has admitted that she was not
kidnapped by the petitioners rather, she accompanied petitioner No.2 on her

own. It has further been mentioned in the affidavit that she is residing happily with petitioner No.2 and she has also been blessed with a son. It has been specifically testified by her that no gold items were taken by the persons mentioned in the FIR.

Learned State counsel admits the factum of having deleted the offences under Sections 363, 366 and 506 IPC.

On the other hand, learned counsel appearing on behalf of respondent No.2 submits that the police has collected sufficient evidence to send the petitioners to face trial for the offences under Sections 380 and 411 IPC as the accusation of theft and stealing of valuables belonging to respondent No.2 by the petitioners is well established.

Heard.

Petitioner No.1, Manpreet Kaur, who is present in Court, has admitted that she is major and was never kidnapped by petitioner No.2. It has been further stated by her that she is residing with petitioner No.2 with her free consent and the couple has been blessed with a son. It has also stated by her that no gold items were taken by petitioner No.2. The Court feels that the allegations of theft levelled by respondent No.2 are totally ill-conceived with a view to wreak vengeance.

In view of the statement suffered by petitioner No.1, who is daughter of the complainant-respondent No.2, this Court feels that the continuation of FIR is nothing but an abuse of process of law. It is a fit case to invoke the inherent jurisdiction of this Court under Section 482 Cr.P.C. as no offence has been committed by the petitioners. In case the criminal proceedings are allowed to continue, the matrimonial life of petitioner Nos.1 and 2 would be ruined.

Consequently, the present petition is allowed and the instant FIR No.92 dated 23.08.2014, registered under Sections 363, 366, 380 and 506 IPC at Police Station Bajakhana District Faridkot along with all the consequential proceedings is hereby quashed qua the petitioner(s).

04.12.2017

P.Seth

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No