

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

-.-

Crl. Misc. M 39659 of 2016

Date of decision: 26.05.2017

Harvinder Singh

..... Petitioner

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Jarnail Singh Saneta, Advocate
for the petitioner along with
petitioner in person
Mr. Neeraj Sharma, AAG, Punjab
for respondent No. 1
Ms Swati, Advocate
for respondents No. 3 along with
Respondent No.3 in person

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Rekha Mittal, J. (Oral)

CRM 17396 of 2017

Allowed as prayed for. Affidavit of Reena Rani is taken on
record.

Main case

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. 73 dated 01.08.2015 for offence punishable under Sections 363 and
366-A of Indian Penal Code (in short, 'IPC') registered with Police Station
Ghanaur, District Patiala and proceedings emanating therefrom.

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

Rani daughter of respondent No. 2. It is argued with vehemence that the petitioner and the alleged kidnapped girl have performed marriage. It is submitted that out of the wedlock, a child was born on 18.07.2016 and respondent No. 3 is leading a happy married life with the petitioner. In the given circumstances, continuation of proceedings is a sheer abuse of process of law and it is prayed that the FIR and proceedings emanating therefrom may be quashed.

The alleged kidnapped girl came present in the Court. Her statement has been recorded and relevant extract therefrom reads as follows:-

“I have performed marriage with Harvinder Singh (petitioner) according to my free will. Out of the wedlock, there is a child born on 18.07.2016. My husband-Harvinder Singh along with the child is present in the Court. FIR No. 73 dated 01.08.2015 for offence punishable under Sections 363 and 366-A of the Indian Penal Code was registered with Police Station Ghanaur, District Patiala at the behest of my father Balwinder Singh qua my kidnapping. I have furnished my duly sworn affidavit dated 19.05.2017 which may be read as a part of my statement. In case, my husband Harvinder Singh is prosecuted on the basis of aforesaid FIR lodged by my father, it may disturb my matrimony. I and my minor child may come on road. In the interest of justice, the aforesaid FIR and proceedings emanating therefrom may be quashed.”

Counsel representing State of Punjab does not dispute the facts brought forth by Reena Rani in respect of whose kidnapping the present FIR was registered by Balwinder Singh, her father. Balwinder Singh did not

appear to contest the proceedings on any count whatever.

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

The alleged kidnapped girl, according to her volition performed marriage with the petitioner. The petitioner and the victim are leading a blissful married life and a child has been born out of the wedlock. In case, criminal proceedings are allowed to continue, victim of the crime would be put in a difficult situation and it may even disturb her matrimony when otherwise, the Courts are always inclined to persuade the parties to resume cohabitation in case they have no serious issue to settle. The child born out of the wedlock would also suffer in case the proceedings initiated at the instance of the father of the victim are not given burial. When facts and circumstances of the present case are examined in the light of judgments of the Delhi High Court **Rukshana and another v. Govt. of NCT of Delhi and others 2007 (1) R.C.R. (Criminal) 542** and **Court on its own Motion (Lajja Devi) vs. State 2012 (4) R.C.R. (Civil) 821**, there is no option with the Court except to quash the criminal proceedings in order to prevent miscarriage of justice.

For the foregoing reasons, the petition is allowed, FIR No. 73 dated 01.08.2015 for offence punishable under Sections 363 and 366-A IPC registered with Police Station Ghanaur, District Patiala and proceedings emanating therefrom are ordered to be quashed qua the petitioner.

(Rekha Mittal)
Judge

26.05.2017
mohan bimbura

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