

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

-.-

CrI. Misc. M 42758 of 2014
Date of decision: 08.02.2017

Raman Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Umesh Kumar Kanwar, Advocate
for the petitioner

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

Mr. M L Singla, advocate
for respondent No.2

Mr. Rajan Singh Dadwal, Advocate
for respondent No. 3

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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. 1 dated 04.01.2012 registered at Police Station Shahpur Kandi District Gurdaspur for offence punishable under Sections 494, 420 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 the said FIR got registered at the instance of Tarsem Lal – respondent No. 2. It is argued with vehemence that no offence under Section 366 IPC is made out against the petitioner as he neither abducted nor kidnaped Jagdeep Mala - respondent No. 3 nor knew

why she left her house. Further, continuation of proceedings under the circumstances is a sheer abuse of process of law. It is prayed that the FIR and proceedings emanating therefrom may be quashed.

Reply has been filed by respondent No. 3/victim stating therein that she is major and her date of birth is 28.09.1993. Further, the aforesaid FIR was registered at the instance of her father whereas she was neither abducted nor got married to Raman Kumar accused. She also stated that she herself left her house with her own will and without any pressure. It is also stated that she got married with Pankaj son of Pawan Kumar with her own freewill and 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 the reply filed by the victim.

I have heard counsel for the parties and perused the record particularly the reply filed by the victim.

The victim is stated to be major as her date of birth is 28.09.1993. As per the victim, she was neither abducted nor got married to the accused and she left her house with her own sweet will without any pressure.

After having gone through the reply filed by the victim, I am of the considered opinion that no offence as alleged is made out against the accused and that being so, 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. 1 dated 04.01.2012 registered at Police Station Shahpur Kandi District Gurdaspur

for offence punishable under Sections 494, 420 and 366 IPC and proceedings emanating therefrom are ordered to be quashed.

(Rekha Mittal)
Judge

08.02.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No