

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

**Crl. Misc. No. 12713-2017 in/and  
Crl. Misc. No. M-44821 of 2016  
Date of decision : 20.04.2017**

Ali @ Gapi and anr.

.....Petitioners

versus

State of Punjab and ors.

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Ravi Malhotra, Advocate  
for the petitioner

Mr A.P.S. Gill, AAG, Punjab

Mr. Ashish Bakshi, Advocate for respondent No. 2 and 3

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**RITU BAHRI, J. (Oral)**

**Crl. Misc. No. 12713-2017**

Application is allowed as prayed for.

Accordingly, Annexure P-2 and P-3 are taken on record.

**Crl. Misc. No. M-44821 of 2016**

Petitioner is seeking quashing of FIR No.30, dated 24.04.2016, registered at Police Station Lambra, District Jalandhar Rural, under Sections 363/366-A IPC on the ground that he has solemnized marriage with respondent No.3, Jalina @ Jalekha, when she was 16 years of old and she is residing happily in her matrimonial house. Under the Muslim Law a girl can give her consent for marriage at the age of 15.

Further as per statement of respondent No. 2 and 3, it has been admitted that the petitioner has neither kidnapped her nor has committed wrong act with the prosecutrix. She is living happily with him. Respondent

No. 2 and 3 further stated that they have no objection if the bail of the petitioner is allowed.

Keeping in view the fact that now respondent No. 3 is residing happily with the petitioner, the present petition is allowed and FIR No.30, dated 24.04.2016, registered at Police Station Lambra, District Jalandhar Rural, under Sections 363/366-A IPC is quashed along with all consequential proceedings qua petitioner, in view of the judgment of the Hon'ble Supreme Court in cases **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429 and** the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052** as no useful purpose would be served in prolonging the litigation once the daughter of the complainant is residing happily with the petitioner as his wife.

20.04.2017

G Arora

**(RITU BAHRI)**  
**JUDGE**

***Whether speaking/reasoned******Yes******Whether reportable******No***