

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

-.-

CrI. Misc. M 8738 of 2015
Date of decision: 26.04.2017

Buta Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Arun Singla, Advocate
for the petitioner

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

Mr. Gaurav Chadha, Advocate
for respondents No. 3 along with
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. 243 dated 27.08.2014 for offence punishable under Sections 363 and 366-A of Indian Penal Code (in short, 'IPC') registered with Police Station Dharamkot, District Moga and proceedings emanating therefrom.

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

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 female child has been born on 27.05.2016 and respondent No. 3 is leading a happy married life with the petitioner. Under the 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 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 her date of birth is 17.12.1996. She voluntarily left the house. She has performed marriage with Buta Singh on 29.08.2014 at Gurudwara Dashmesh Pita, Panchkula and is leading a happy married life with her husband. Further, out of the wedlock, a daughter has been born on 27.05.2016. She further submits that she has got no objection if the aforesaid FIR and proceedings emanating therefrom are quashed. She has also filed her affidavit dated 16.03.2015 to that effect with the petition.

Counsel for the State does not dispute the facts in view of statement got recorded by the victim in Court.

Counsel for respondent No. 3 has also concedes to the position.

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

As per the victim, she was not kidnapped by the petitioner, rather had gone with him with an intent to perform marriage. Further, she has performed marriage with the petitioner 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. 243 dated 27.08.2014 for offence punishable under Sections 363 and 366-A IPC registered with Police Station Dharamkot, District Moga and proceedings emanating therefrom are ordered to be quashed.

(Rekha Mittal)
Judge

26.04.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No