

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

1. Crl. Revn. No. 1863 of 2016 (O&M)

Happy SinghPetitioner

versus

State of Punjab ...Respondent

2. Crl. Revn. No. 3844 of 2016

Happy SinghPetitioner

versus

State of Punjab ...Respondent

Date of decision : 16.03.2017

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Ashok Bhardwaj, Advocate
for the petitioner

Mr. Jaspreet Sekhon, AAG, Punjab

Mr. Aditya Jain, Advocate
for the complainant

RITU BAHRI, J. (Oral)

This order shall dispose of the above two petitions as common question of law and facts are involved in these petitions.

In CRR No. 1863 of 2016, prayer is for quashing of charge sheet dated 03.05.2016 and in CRR No. 3844 of 2016, prayer is for quashing of order dated 12.09.2016 whereby application filed by the petitioner under Section 311 Cr.P.C for recalling the victim for further cross examination, has been dismissed.

Brief facts of the case are that FIR No. 113 dated 03.12.2015

under Sections 363/366-A IPC, was registered at Police Station Sadar, Sangrur by the father of Anita Rani with the allegation that petitioner has enticed away Anita Rani, on the pretext of marrying her, who was minor girl of 17 years old.

Learned counsel, *inter alia*, contends that petitioner solemnized the marriage with Anita Rani and they also got protection from this Court on 28.11.2016, vide CRM-M-42274 of 2016.

Anita Rani is present in the Court today and on a specific query put by this Court, she stated that she is staying happily with the petitioner.

The date of birth of Anita Rani is 21.10.1998 and she is now major and is residing happily with the petitioner as his wife.

Anita is also identified by Investigating Officer, who is present in the Court.

Keeping in view the above facts and circumstances of the case, this Court while exercising the inherent power under Section 482 Cr.P.C inclined to quash the F.I.R against the petitioner, along with all consequential proceedings, 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.

Accordingly, FIR No. 113 dated 03.12.2015 under Sections 363/366-A IPC, registered at Police Station Sadar, Sangrur is hereby

quashed along with all consequential proceedings qua petitioner.

The petitions stand disposed of.

16.03.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *No*