

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7498 of 2017 (O&M)
Date of Decision: 06.03.2017

Jeeshan @ Zeeshan Beg

--Petitioner

Versus

State of Haryana and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Nirmal Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.226 dated 12.9.2016 under Section 346 I.P.C, registered at Police Station, Khol, District Rewari.

Counsel appearing for the petitioner would submit that the FIR which has been got registered on the statement of Ratan Khan is nothing but an abuse of the process of law. As per complainant, his daughter Shabnam aged about 22 years has been missing since 8.9.2016 and the present petitioner is sought to be implicated only on the basis of suspicion.

Counsel would contend that the petitioner in fact has got married to daughter of the complainant namely Shabnam, she being a major. Further contended that a protection petition was filed before the High Court of Judicature at Allahabad and a protection order has been duly passed on 21.9.2016. In support of such contention counsel has even adverted to the order dated 21.9.2016, passed by the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No.45452 of 2016 and which was filed jointly by the present petitioner and Smt. Shabnam i.e. daughter of the complainant.

In pre-lunch session a copy of the petition had been made over to Mr. C.S. Bakshi, learned Addl. A.G., Haryana.

During the post lunch session learned State counsel would submit that in the light of the peculiar facts and circumstances of the case, there would be a requirement for Shabnam, daughter of the complainant to have her statement recorded under Section 164 Cr.P.C with regard to the matrimonial alliance having been entered into with the petitioner.

The stand taken on behalf of the State, prima facie, appears fair.

In the considered view of this Court, if, such a statement under Section 164 Cr.P.C of Shabnam is duly recorded along with proof of age that she is a major, nothing would survive in the FIR.

In the light of such development, counsel appearing for the petitioner does not press the instant petition. Rather an undertaking is furnished that the petitioner as also Shabnam i.e. daughter of the complainant would duly appear before the I.O on 23.3.2017 at 11 A.M.

Petition stands disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.03.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No