

Sunil Kumar Jain and others vs. ***State of Punjab and another***

Present:- Mr. Suvir Sidhu, Advocate,
for the petitioners.

Mr. A.S. Gill, Sr. DAG, Punjab.

Crl. Misc.No. 23031 of 2016

This is an application for placing on record a copy of affidavit dated 19.9.2015 (Annexure P-9). As per the contents of the affidavit, the dispute regarding custody of minor Mayank has been resolved and that the said minor is now residing with his father i.e. Petitioner No.1. Further, the factum of death of the mother of minor Mayanak has also been certified.

Application is allowed and the affidavit (Annexure P-9) is taken on record.

Crl. Misc. No.M-6133 of 2015

Learned State counsel has filed affidavit of Sh. Ramandeep Singh Bhullar, PPS, Assistant Commissioner of Police (Gill-Rural), Ludhiana along with death certificate of respondent No.2 in Court today and the same are taken on record.

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.107 dated 9.7.2014 registered at Police Station Sadar Ludhiana under Sections 364/120-B IPC.

Learned counsel for the petitioners submits that pursuant to the FIR registered in this case, challan has been presented but trial has yet not commenced. He submits that according to Section 256 Cr.P.C., since the complainant has died, the accused are entitled to be acquitted. It is also

submitted that under the circumstances, continuation of criminal proceedings would be an abuse of process of criminal law and, therefore, the FIR should be quashed.

Learned State counsel does not dispute the proposition of law propounded by learned counsel for the petitioners.

In view of the above, the continuation of the FIR would not serve any purpose and would only create discord between two families, who have already settled their *inter se* dispute and have reconciled themselves with the existing situation.

Accordingly, the present petition is allowed and FIR No.107 dated 9.7.2014 registered at Police Station Sadar Ludhiana under Sections 364/120-B IPC and all consequential proceedings arising therefrom are hereby quashed.

March 20, 2018
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned : Yes

Whether referred to Reporters : No