

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

Crl. Misc. No.M-8697 of 2017

Date of decision : 13.08.2018

Pardeep Singh and others

.....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Madan Lal Saini, Advocate
for the petitioners.

Mr. Jagmohan, Ghumman, DAG, Punjab.

Mr. Uday Puri, Advocate
for respondent no.2.

ANITA CHAUDHRY, J(ORAL)

This is the petition for quashing of the FIR lodged at the instance of brother of the alleged victim.

Notice of this petition was given to the State and State has also filed the reply.

The petitioners were accused of kidnapping a major girl for marriage. The FIR was lodged at the instance of the brother. The complaint was given four days after the alleged kidnapping. On return, respondent no.2 made a statement to the police that she had gone on her own. She also refused her medical. The police prepared the cancellation report, which the Court refused to accept.

Counsel for the petitioners contends that petitioner no.1 and respondents no.2 were major and they had married and were living as husband and wife and they have a child also but the brother of respondent no.2 was not happy with the marriage and it was not a case of kidnapping and it would be an abuse of the process of the Court if the proceedings are allowed to continue even when the police had submitted a cancellation report.

Respondent no.2 had filed her reply admitting to the marriage and birth of a child. She stated that they are living together as husband and wife.

No useful purpose would be served to keep the FIR pending. In view of the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, the instant petition is allowed and the aforesaid FIR and all consequent proceedings conducted on the basis thereof are quashed qua the petitioners.

13.08.2018

sunil

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No