

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

**CRM-3112-2019 in/and
CRM-M-28447-2017
Date of decision: January 31, 2019**

Vikas

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. A.K. Sharma, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Sarvesh Gupta, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(ORAL)

CRM-3112-2019

Application is allowed as prayed for.

Annexure P-10 is taken on record subject to just exceptions.

CRM-M-28447-2017

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.477 dated 28.06.2014, under Sections 363, 366-A of the Indian Penal Code (for short 'IPC') registered at Police Station Sadar Karnal, District Karnal as well as order dated 04.12.2015 passed by learned Additional Chief Judicial Magistrate, Karnal in which petitioner has declared absconding.

Petitioner has relied upon order dated 26.09.2018 passed by the coordinate bench of this court in *CRM-M-27980-2018* whereby he was granted anticipatory bail.

Learned State counsel submitted that challan has already been submitted. However, the petitioner has been declared proclaimed offender.

Surprisingly, the petitioner has already joined the proceedings with the learned trial court and ultimately he was granted bail in CRM-M-27980-2018. It is not understandable that how he has joined the investigation when he was declared proclaimed offender.

Victim-Rupa is present. She has already submitted her affidavit (Annexure P-6) that she is living happily with the petitioner as husband and wife and they are having a child.

Affidavit of her father is also placed on record which transpires that he has no objection if present FIR and PO order are quashed.

There is no dispute that both petitioner and the victim-prosecutrix are major.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

In this view of the matter, the petition is allowed. Consequently, FIR No.477 dated 28.06.2014, under Sections 363, 366-A IPC registered at Police Station Sadar Karnal, District Karnal as well as order dated 04.12.2015 passed by learned Additional Chief Judicial Magistrate, Karnal and subsequent proceedings arising therefrom stands quashed qua petitioner.

January 31, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no