

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41906-2017 (O&M)
Date of Decision:- 19.9.2019

Kuldeep ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Gahlawat, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

Mr. Suresh Kumar Kaushik, Advocate, for respondent No.2.

Ms. Amandeep Kaur, Advocate, for respondent No.3.

GURVINDER SINGH GILL, J. (Oral)

1. The present petition has been filed for quashing of FIR No.40, dated 20.1.2017, registered at Police Station City Hansi, District Hisar, under Section 345 IPC (Sections 363, 366-A, 368 IPC added later on).
2. The aforesaid FIR was lodged at the instance of respondent No.2 Ram Singh wherein he alleged that his daughter has been missing from his home and he suspects that she had been abducted by petitioner-Kuldeep.
3. Learned counsel for the petitioner has submitted that in fact respondent No.3 Aarti had accompanied him out of her own free will and volition and has solemnized marriage with the petitioner against

the wishes of her father i.e. respondent No.2-Ram Singh/complainant.

It has further been submitted that pursuant to solemnization of marriage, the petitioner as well as respondent No.3 had approached this Court seeking protection wherein certain directions were issued for their protection vide order dated 21.6.2017 passed in CRM-M-22412-2017. Learned counsel has further submitted that ever since the solemnization of marriage in the year 2017, the petitioner and respondent No.3 have been residing together as husband and wife and have also been blessed with a male child and that respondent No.3-Aarti has no objection for quashing of the FIR.

4. Respondent No.3-Aarti is present in person and upon a query having been made by this Court she has categorically stated that she is aged more than 18 years as of now and does not wish to take any action against the petitioner as she is happily residing with him as his wife. She has further stated that she had voluntarily got her statement in terms of Section 164 Cr.P.C. recorded wherein also she stated that she does not wish to take any action against the petitioner.
5. The petitioner is also present in person. Upon being quizzed by this Court he has stated that he had never kidnapped respondent No.3 and that in fact he had solemnized marriage with respondent No.3 out of free will and consent of respondent No.3 and they are living together happily as husband and wife. He has assured this Court that he will take proper care of his wife and his child.
6. Learned counsel for the petitioner has thus submitted that since it is a case where respondent No.3 had willingly accompanied the petitioner

and solemnized marriage and are living happily together, the present FIR, lodged at the instance of father of respondent No.3 is nothing but an abuse of process of law and that no useful purpose would be served by continuing with the proceedings.

7. Opposing the petitioner, the learned State counsel assisted by Mr. Suresh Kumar Kaushik, Advocate, has submitted that since respondent No.3 was a minor at that time when she was kidnapped, the petitioner apparently had committed an offence punishable under Section 363 and 366-A IPC and that even the alleged marriage cannot be said to be a valid marriage having been solemnized in violation of The Prohibition of Child Marriage Act, 2006.
8. I have considered aforesaid submissions. In view of the fact that it is a case where respondent No.3 had apparently accompanied the petitioner with her own consent and free will and had solemnized marriage and are living together ever since their solemnization of marriage and in any case is presently a major and has categorically stated before this Court that she does not wish to take any action against the petitioner since they are residing happily as husband and wife and are also blessed with a male child, forcing the petitioner to be prosecuted would not serve any useful purpose since the alleged victim in any case is not supporting the case of the prosecution and has already made a statement in terms of Section 164 Cr.P.C. giving a clean chit to the petitioner.
9. The petition, as such, is accepted and FIR No.40, dated 20.1.2017, registered at Police Station City Hansi, District Hisar, under Section

345 IPC (Sections 363, 366-A, 368 IPC added later on), and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner.

September 19, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No