

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

CRM-M No.46275 of 2017

Date of Decision: 09-04-2019

Ramkishore @ Tanny

...Petitioner

v.

State of Punjab and others

...Respondents

...

(2)

CRM-M No.20711 of 2018

Veerwati and others

...Petitioners

v.

State of Punjab and others

...Respondents

...

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Ashish Bakshi, Advocate
for the petitioners.

Mr.V.G.Jauhar, Sr. DAG, Punjab.

None for respondent No.2.

Mr.Ravi Malhotra, Advocate
for respondent No.3.

RAJ SHEKHAR ATTRI, J. (ORAL)

By this common order, both the petitions can be disposed of together since question involved in both the petitions is identical.

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.374 dated 2.11.2017, under Sections 363/366-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Zirakpur, District SAS Nagar and subsequent proceedings arising therefrom.

In the present cases, the FIR was registered on the statement of Sadhu Ram father of Neelam -respondent No.3. In fact Smt.Neelam (respondent No.3) and Ram Kishore petitioner have got married. Their marriage has been registered in Uttar Pradesh. They also sought protection from Allahabad High Court vide order dated 26.10.2017, Annexure P3. Neelam– respondent No.3 has filed the affidavits in Court today. Same are taken on record. In the affidavits she has stated with regard to her marriage and with regard to giving birth to a male child and stated that now they are residing happily.

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.

For the foregoing reasons, the petitions are allowed and FIR No. 374 dated 2.11.2017, under Sections 363/366-A IPC, registered at Police Station Zirakpur, District SAS Nagar and subsequent proceedings arising therefrom quashed qua petitioners.

April 09, 2019

(RAJ SHEKHAR ATTRI)
JUDGE

RC

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No