

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

Crl. Misc. M 18417 of 2016 (O&M)
Date of decision: 23.1.2020

Vikram Bhatti @ Vicky and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Narinder S. Lucky, Advocate,
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Respondent No.2 present in person.

Ms. Simmy, Advocate,
for respondent No.3.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure seeking to quash FIR No. 37 dated 25.4.2015 under Sections 363, 366(A)/34 IPC registered at Police Station Bullowal, District Hoshiarpur and all subsequent proceedings arising therefrom.

In brief, the facts are that a complaint was lodged against the petitioners by Manjit Kumar alleging that Vicky, son of Kashmiri, a boy in his village has been harassing his daughter, namely Amandeep Kaur for marriage for the last two months. On returning home from work on 25.4.2015, he found his daughter was missing and he apprehended that

Vicky son of Kashmiri, along with his uncle Satpal and mother namely Mosho, enticed away his daughter with an intention of marrying with Vicky.

The accused in the FIR, the petitioners herein have filed the instant petition for quashing of the FIR on the ground that the same is nothing but an abuse of process of law. It is submitted that in fact, petitioner No.1 namely Vikram Bhatti @ Vicky had solemnized the marriage with Amandeep Kaur and they are living happily together as husband and wife.

Learned counsel appearing on behalf of the petitioners would contend that since the date of marriage both petitioner No.1 and daughter of the complainant—respondent No.2 are living happily and are enjoying the marriage without any threat or interference from anyone and out of this wedlock a child namely Pratham Bhatti has born. It is argued that keeping in view the fact that petitioner No.1 and respondent No.3 are happily married, continuance of the proceedings under the FIR would amount to abuse of process of law.

Notice was issued in the instant petition and appearance has been caused on behalf of both the complainant and the respondent—State. The complainant, namely Manjit Kumar is present in Court, who duly stands identified by the Investigating Officer. The complainant has also placed on record his Aadhar Card. On being asked by the Court, the complainant submits that since his daughter is happily residing in her matrimonial home along with her minor child, he has no objection in case the FIR is quashed.

I have heard learned counsel for the parties and have also perused the pleadings of the case.

Admittedly, an FIR was registered at the behest of the

complainant, i.e. father of respondent No.2 on the ground that Vicky along with his uncle and mother had enticed away his daughter with a view to get her married with Vicky. One cannot loose sight of the fact that both petitioner No.1 and respondent No.2 have solemnized the marriage and are residing happily together. On attaining the age of majority, respondent No.2 has categorically made a statement that she is happily residing with her husband and the minor child and, therefore, also prays for quashing of the FIR, whereas the complainant himself does not press for any action to be taken on the FIR lodged by him. The matter was also investigated by the Investigating Officer, who in turn submits that the parties are living together.

Faced with the above situation, this Court deems it appropriate to quash the FIR as the continuance of the proceedings would only result in unnecessary harassment in the happy married life of petitioner No.1 and respondent No.2, which would have its own serious consequences.

Consequently, this petition is allowed and FIR No. 37 dated 25.4.2015 under Sections 363, 366(A)/34 IPC registered at Police Station Bullowal, District Hoshiarpur and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

23.1.2020
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No