

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.203

CRM-M-37296-2020

Date of decision: 13.05.2022

Joga Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Dinesh Mahajan, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

None for respondent No.2.

Mr. Rimple Saini, Advocate
for respondent No.3.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.18 dated 10.03.2020 registered under Section 366 IPC at Police Station Shahpur Kandi, District Pathankot.

Respondent No.2 – Gian Chand filed a complaint with the police that in the morning of 08.03.2020 his daughter namely Anuradha, who was about 28 years of age, had gone out of the house and had not returned back. According to him, the petitioner had enticed his daughter on the pretext of marriage. On the basis of Gian Chand's statement, FIR under Section 366 IPC was registered against the petitioner the quashing of which is sought through the instant petition.

Seeking quashing of the impugned FIR, the petitioner relies on respondent No.3 – Anuradha's affidavit as per which on 08.03.2020 she had left her house on her own as her father was adamant to get her married

to an aged person which was against her wishes and that the petitioner had no hand in her disappearance.

Learned counsel for respondent No.3 – Anuradha acknowledges the contents of the afore-referred affidavit of his client.

Section 366 IPC under which the petitioner is sought to be prosecuted reads as under:-

“366. Kidnapping, abducting or inducing woman to compel her marriage, etc.- Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable as aforesaid.”

As per the afore-quoted provision, whosoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punishable for an offence under Section 366 IPC.

Through an affidavit filed before this Court as also a statement made on her behalf, the alleged victim, who is an adult, has admitted before this Court that the petitioner had no role to play in her disappearance on

08.03.2022.

Learned State counsel also does not dispute the afore stand taken by respondent No.3.

In the light of the above, continuation of the proceedings in pursuance to the impugned FIR would be an abuse of the process of law and therefore, the same are ordered to be quashed.

The present petition is allowed in the above terms.

May 13, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No