



respondent No.3, at the time of alleged incident, was 20 years and 5 months old. As such, she was major and had in fact, left with the petitioner of her own volition. Moreover, the petitioner and respondent No.3 had approached this Court seeking protection of their life and liberty and filed a petition bearing CRWP No.4071 of 2022 (Annexure P-4) to that effect. Respondent No.3 had furnished an affidavit dated 26.05.2022 wherein she disclosed that she, being major, is in a consensual live-in relationship with the petitioner and that they intend to wed soon. It is further contended that thereafter, respondent No.3 had appeared before the Deputy Superintendent of Police and recorded her statement to the effect that she is major and is staying with the petitioner of her own accord. Learned counsel for the petitioner further submits that since petitioner and respondent No.3 have solemnized their marriage with free will and are peacefully leading their matrimonial life together. It is evident that the ingredients to attract the offences under Sections 363 and 366-A IPC are conspicuously absent and that the jurisdictional police authorities had registered the FIR (*supra*) without verifying the veracity of the allegations. Therefore, continuation of proceedings in FIR (*supra*) would be an abuse of process of law.

4. There is no representation on behalf of the respondent No.2. Learned counsel for respondent No.3 contends that now the petitioner and respondent No.3 have performed marriage and they are cohabiting together as husband and wife.

5. Learned State counsel, on instructions from HC Kuldeep Singh, submits that they have verified the factum of marriage between the petitioner and respondent No.3. It has been found that both of them are living together as husband and wife.



6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that respondent No.3 had attained the age of majority at the time of the alleged occurrence. Moreover, respondent No.3 has solemnised marriage with the petitioner and wants to continue with her matrimonial life with him. A perusal of the affidavit dated 26.05.2022 tendered by respondent No.3 indicates she left with the petitioner of her own volition on 17.04.2022, when she was 20 years and 6 months old. She has also categorically denied the allegations levelled on the petitioner. If the criminal proceedings against the petitioner allowed to continue, the marital life of the couple would unjustly be disturbed and leave respondent No.3 bereft of financial and emotional support. Thus, no useful purpose would be served by continuing the proceedings as the chances of conviction are abysmal. The continuance of the present proceedings in the present case would be nothing but wastage of valuable judicial time, especially, when the Courts are already over-burdened.

7. In view of above facts and circumstances, the present petition is allowed.

8. Accordingly, the FIR No.52 dated 19.04.2022 (Annexure P-1) registered under Sections 363/366 of IPC, 1860 at Police Station Garhshankar, District Hoshiarpur and all other consequential proceedings arising therefrom, are quashed qua the petitioner.

July 18, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |