
(1998) 03 AHC CK 0083

In the Allahabad High Court

Case No : Criminal Miscellaneous Case No. 418 of 1997

Chhotkau and Others

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 18-03-1998

Acts Referred:

Penal Code, 1860 (IPC) — Section 363, 366, 368

Citation : (1998) 03 AHC CK 0083

Hon'ble Judges : Virendra Saran, J

Final Decision : Disposed Of

Judgement

Virendra Saran, J.—Chhotkau, Gauhar Ali, Nasira Khatoon, Jalil Ahmad, Akbar Ali and Smt. Talat Khatoon have filed the above case for quashing of the proceedings of Criminal Case No. 1364 of 1997 State v. Chhotkau and others under Sections 363,366 and 368 IPC arising out of Crime No. 780 of 1995.

2. I have heard Sri Mohsin Iqbal, learned Counsel for the applicants, Sri Avinash Srivastava, learned Counsel for the complainant and the learned Additional Government Advocate.

3. The case relates to the kidnapping of Km. Anita (aged about 16 years according to the FIR). A chargesheet has been filed and the applicants have been summoned by order dated 941997. Prayer has been made to quash the summoning order as well.

4. This case can be disposed of on a short point. It appears that informant Jai Narain Yadav filed Writ Petition No. 1758 (M/B) of 1996 which was dismissed by a Division Bench on 331997.1 was one of the Members of the Bench. In the writ petition, Km. Anita appeared and her statement was recorded. The writ petition was disposed of with the following observations :

?The victim of alleged offence Km. Anita has appeared in Court, today. Her statement has been recorded. In her statement she has stated that her name is Aneesa Khatoon and her maiden name was Km. Anita. She has given her age

about 20 years. From her appearance she appears to be a major. The fact that she is a major is not disputed by either side. In her statement Aneesa Khatoon has further stated that she has entered into marriage with respondent Gauhar Ali. She has further stated she is living with her husband Gauhar Ali who gives her all respect. She asserted that she is not being made to indulge in any nefarious activity by her husband and on the other hand she is living happily with her husband Gauhar Ali and she wants to go and live with her husband Gauhar Ali. She has stated her husband used to work in a soap factory, but her father was after him and her husband had to leave his job.?

5. Since the stand of victim Anita has been that she was married to Gauhar Ali who was giving her all respect and she insisted going with her husband Gauhar Ali, the prosecution in the instant case is not likely to bear any fruits and it would be utter waste of public time and money to allow the prosecution to go on. As a matter of fact, it will ruin the married life of Anita. Taking into account the above, I am of the view that the proceedings of the criminal case in the instant case deserve to be quashed.

6. In the result, the application is allowed and the proceedings pending against the applicants in Case No. 1364 of 1997 State v. Chhotkau and others pending in the Court of Chief Judicial Magistrate, Barabanki, mentioned above, are quashed.

Application allowed.