

(2014) 04 GUJ CK 0008

In the Gujarat High Court

Case No : Criminal Misc. Application (for Quashing & Set Aside Fir/Order)
No. 9451 of 2009

Patel Ileshkumar Kantibhai

APPELLANT

Vs

State of Gujarat and Another

RESPONDENT

Date of Decision : 16-04-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 363, 366

Citation : (2014) 04 GUJ CK 0008

Hon'ble Judges : Mohinder Pal, J

Bench : Single Bench

Advocate : F.B. Brahmbhatt, Advocate for the Applicant(s) No. 1, Advocate for the Appellant; N.J. Shah Addl. Public Prosecutor for the Respondent(s) No. 1, Advocate for the Respondent

Final Decision : Allowed

Judgement

Mohinder Pal, J.—This petition is filed u/s 482 of the Code of Criminal Procedure (for short, "the Cr.P.C.") for quashing of the FIR registered as C.R. No. I-33 of 2009 at Mehsana Taluka Police Station for the offences punishable under sections 363 and 366 of the Indian Penal Code. The averments made by the petitioner are that, daughter of the complainant had willingly gone with the petitioner. Subsequently, upon her attaining the age of majority, the petitioner has married the daughter of the complainant. Marriage registration certificate is at Annexure-C, which is placed on the file. Relying upon the averments, it is stated that the FIR and the subsequent proceedings made by the complainant are liable to be quashed.

2. Notice of this petition was issued to the respondents who contested the same. However, none of their counsel is present today. On the other hand, learned counsel representing the State is present and contested the same.

3. I have heard learned counsel appearing for the petitioner and the learned

counsel representing the State. I have also gone through the documents available on the file. During arguments, learned counsel invited my attention to the order dated 06.04.2009 passed by Division Bench of this Court in a habeas corpus petitioner filed by the complainant, wherein the Court has observed that, daughter of the complainant has stated that no pressure or force had been applied on her for leaving her parents' home, and that she had gone on her own and that she has declared that she is not desirous to go to her parents' place. The alleged incident is stated to have taken place in the year 2009 and now we are in 2014. It has been brought to my notice by the learned counsel that both the daughter of the complainant and the petitioner are now living together as husband and wife and there is no dispute whatsoever between them. In view of the statement made by the girl at the time of deciding the habeas corpus petition and also in view of the fact that the marriage performed by the daughter of the complainant and the present petitioner is duly registered through a registered marriage certificate at Annexure-C available at page 21, I am of the view that no useful purpose will be served by allowing the police to further investigate the matter. Resultantly, in view of the aforementioned facts, this petition is allowed. The FIR and the subsequent proceedings against the petitioner are ordered to be quashed. Rule is made absolute.