

(2002) 03 P&H CK 0081

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 1724-M of 2002

Rakesh Kumar alias Sonu

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 21-03-2002

Acts Referred:

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

Citation : (2002) 6 CriminalCC 379 : (2003) 4 RCR(Criminal) 56

Hon'ble Judges : Nirmal Singh, J

Bench : Single Bench

Advocate : S.S. Dinarpur, for the Appellant; Sanjeev Sheokand, AAG, Haryana for the Respondent No. 1, Mr. V.B. Aggarwal, for the Respondent Nos. 4 and 5, for the Respondent

Final Decision : Allowed

Judgement

Nirmal Singh, J.—This is a petition Section 482 Cr. P.C. for quashing the FIR No.471 dated 6.8.2000 under Sections 363/366 IPC registered at Police Station, Sadar, Ambala Cantt.

2. The FIR in this case was registered on the statement of Sunita Devi, respondent No.4. Sunita Devi made a statement before the police that her daughter Rimpi is 8th pass and use to be the student of Saraswati School near the Indian Oil Depot. In their neighbourhood, Sonu son of Inder Mohan used to reside. He of tenly visited their house. On 31.3.2000, her husband as per routine had gone to attend his work whereas she had gone to Sadar Bazar for cleaning work in the houses and both her daughters Rimpi and Simple were in the house. When she returned home at 11 A.M. she found her daughter Rimpi missing. On enquiry, her daughter Rimpi told her that Rimpi had left the house saying that she is going to house of her maternal grand-mother in the kachcha bazar. The complainant searched for her daughter but she was not found anywhere.

3. Sunita Devi complainant has placed on record her affidavit, in which she has

deposed that Rimpi being major has solemnized marriage with the petitioner and one child was born out of the wed lock and that Rimpi is living peacefully with the petitioner. She further deposed that she does not want to prosecute the case and the FIR lodged at her instance may be quashed.

4. Rimpi is present in Court. She has been identified by Sh. V.B. Aggarwal, Advocate. Rimpi made a statement that she had left the house of her parents with her own consent and after that she married with the petitioner. She also stated that she is living happily with the petitioner. She has also placed on record her school leaving certificate in which her date of birth, has been mentioned as 25.11.1983. The occurrence took place on 6.8.2000. At that time, she was above 17 years of age.

5. Taking into consideration the facts and circumstances of the case, I am of the considered opinion that it will be in the interest of the parties and in the larger interest of society that parties may be allowed to compound that offence. If the parties are not allowed to compound the offence and proceedings are allowed to continue, it will be sheer wastage of time of Court as well as of the parties as the complainant Sunita Devi is not likely to support the case of the prosecution. The modern trend of penology is reformatory. If the parties have settled their dispute amicably, the Court should not come in their way. Rather the purpose of law is to eradicate the litigation between the parties.

For the reasons mentioned above, this petition is accepted and FIR No.471 dated 6.8.2000 and the consequential proceedings are quashed.