



Indian Penal Code, 1860, Section 363, 366 - Kidnapping would necessarily involve enticing or taking away any minor under eighteen years of age if a female for the offence under Section 363 IPC - Abductee had clearly stated that she was neither taken away nor induced and that she had left her home of her own freewill - Section 366 IPC would come into play only where there is a forceful compulsion of marriage, by kidnapping or by inducing a woman - This offence also would not be made out once the the abductee has clearly stated that she was in love with the accused and that she left her home on account of the disturbing circumstances at her parental home as the said relationship between them was not acceptable to her father and that she married accused on her own free will without any influence being exercised by the accused.

A complaint was filed by the father alleging his minor daughter was abducted by appellant No.1 in 2005, FIR was registered, and investigation began but failed to locate the girl or the accused. Chargesheet was filed against appellant No.1 . - In 2020, appellants filed a petition under Section 482 CrPC to quash the FIR, stating they were in a consensual relationship and married since 2006 and that appellant No.2 left home voluntarily due to family issues and was not abducted. High Court dismissed the petition focussing on the minor status of the girl and the appellant's evasion of law. Appellant No.2 reiterated her marriage by choice. No purpose in continuing the trial as charges of kidnapping and abduction under Sections 363 and 366 IPC were not substantiated. No fruitful purpose would be served by relegating the matter for conducting the trial as the same would not be conducive for either of the appellants. It would be a futile exercise.

MAFAT LAL v. THE STATE OF RAJASTHAN, 2022 PLRonline 0607 [#418506]

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