

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: July 12, 2010

% **+ W.P. (Crl.) 696/2010** **12.07.2010**

Naveen Kumar & Anr.

...Petitioners

Through: Mr. Raj Bir Bansal, Advocate &
Mr. Bharat Bhushan, Advocate

Versus

The State & Anr.

...Respondents

Through: Mr. Pawan Sharma, APP for the State

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORDER (ORAL)

This petition has been filed for quashing of FIR No. 09/2010 PS Kanjhawala registered under Section 363, IPC. This petition has been made by husband and wife, who have married each other. The FIR was registered at the instance of father of petitioner No.2 (Wife) alleging that she was minor. However, the petitioner No.2 has placed on record proof that she was a major at the time of marriage and was not a minor. As a result of FIR, the boy (petitioner No.1) was arrested by the police and both the petitioners were produced before the Court of MM. The girl refused to go to the parents' house and was sent to Nari Niketan. When the boy was granted bail, the girl joined the boy and both started living together. It is only petitioner No.1 i.e. boy who made applications to the Court and to Nari Niketan for discharge of the girl from Nari Niketan. Parents of the girl at no point of time made any effort to secure the custody of the girl.

Considering the age of the girl and the fact that the girl was a consenting party to elopement and subsequent marriage, it is clear that the FIR lodged against the petitioner under Section 363 IPC was based on a false averment of father that the girl was minor and had been kidnapped.

The petition is allowed. FIR No. 09/2010 PS Kanjhawala and proceedings arising out of this FIR are hereby quashed.

July 12, 2010
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SHIV NARAYAN DHINGRA J.