



2026:UHC:4180

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPCRL No. 956 of 2026 <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Mohd. Safdar, learned counsel with Ms. Sadaf, learned counsel for the petitioner, Mrs. Meenakshi Sharma, learned Brief Holder for the State and Mr. Gaurav Singh, learned counsel for the respondent no.2. 2. The petitioner Salman S/o Israr by means of this instant petition is praying for quashing of FIR dated 13.01.2026 bearing FIR No.14 of 2026, Police Station Gangnagar, District Haridwar, wherein he has been implicated by one Zakir for the offence punishable under Section 137(2) and 87 of the BNS, 2023. Two unknown persons were also implicated in this FIR. 3. As per the FIR, the victim, the daughter of the complainant was missing, who was minor. Now this petition has been filed along with affidavit of the victim alleging therein that both of them married on 16.05.2026 and the nikahnama was also placed on record. In support of her age, aadhar card of the victim is also enclosed, according to which, her date of birth is 14.04.2008. 4. Mrs. Meenakshi Sharma, learned Brief Holder for the State, on instructions,



		apprised to this Court that the penal provisions of POCSO has now been added during the investigation on the ground that the victim is the minor. She submits on instructions that the age of the victim was 25.12.2008 on the date of the incident when the victim was abducted by the petitioner. 5. Mr. Gaurav Singh, learned counsel for the complainant submits that the victim is in fact minor. The respondent / complainant is present. Learned counsel for the complainant on the basis of the instructions received from the complainant interestingly submits that the petitioner is married with another lady in the year 2021, but there is some matrimonial discord and she also filed a petition for maintenance, which is pending for adjudication. The earlier wife is also present in the court. 6. The petitioner is present in the court and admits that another lady, who is present in the Court, is his wife. 7. Learned counsel for the parties admits this fact that there is no divorce decree from the earlier marriage. If it is so, then the question is how the petitioner married with the victim. As per the complainant and the instructions of the State Counsel, the victim is admittedly minor as per her school leaving certificate. 8. Learned Brief Holder submits that
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		since the victim is minor at the time of the incident, the penal provision of POCSO has also been added. 9. Admittedly, there is no divorce decree from the earlier wife and on the alleged date of the incident, the victim was minor, therefore, on this count, the petitioner does not deserve for any interim protection. So far as the impugned FIR is concerned, since now some other penal provision of POCSO has been added, as such, the FIR cannot be quashed particularly when the victim on the date of the incident was minor. 10. Apart from this since the petitioner already admits that he is already married and there is no divorce decree, this Court is also prima facie view that the marriage in between the petitioner and the victim is also null and void. 11. Accordingly, I do not find any merit in the writ petition and the same is dismissed. 12. The petitioner who is present in the Court is admittedly facing the investigation and is serving in Saudi Arabia, therefore, there may be possibility that he may leave the country. Therefore, he has been asked to hand over his passport to the learned Government Advocate, who will sent the same through special messenger to IO, who shall keep passport in the safe custody. 13. At this juncture, the victim, who is
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			present in the Court submits that there is threat perception from the informant. In this regard, if there is any threat perception, she can approach to the SSP or to the concerned SHO to the nearest police station and they will assess the threat perception, if any, and take proper steps. (Rakesh Thapliyal, J.) 26.05.2026 Shiv/
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