

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.19582-2014 (O&M)
Date of Decision : 18.08.2015**

Ritu Kumari & anr.

..... Petitioners

Versus

State of Haryana & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Chirag Kundu, Advocate
for the petitioners.

Ms. Neelam Kashyap, DAG, Haryana.

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

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.143 dated 23.05.2014 registered under Sections 363, 366-A IPC at Police Station Chand Hut, District Palwal and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties on the ground that in that FIR it has wrongly been recorded that the petitioner No.1 was a minor and by this mis-representation FIR under Sections 363, 366-A IPC was got recorded.

As per learned counsel the petitioners had eloped and had got married after the petitioner No.1 attained majority. In support of the averment that the petitioner No.1 was actually a major and not a minor she has placed on record copy of matriculation certificate (Annexure P-1) as per which her date of birth had been shown as 20.02.1996 and not 20.08.1996 (as mentioned in the FIR).

Learned DAG on instructions from ASI Shiv Sharan is not in a position to deny the correctness of document (Annexure P-I).

In the circumstances it has to be held that FIR was got recorded only on the basis that the wrong date of birth was given because otherwise in the FIR it is mentioned that petitioner No.1 went away voluntarily and the crime was attached only by showing her to be a minor. In the circumstances this Court comes to the conclusion that the proceedings against the petitioners are the abuse of the process of law.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

18.08.2015

Pooja Sharma-I