

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No. M-6514 of 2014

Date of decision: 10.02.2015

Raj Mani Upadhaya

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. Paramdeep Singh, Advocate for
Ms.Taranjit Kaur, Advocate for the petitioner
Mr.Chetan Sharma, AAG Haryana

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 242 dated 24.7.2012 under Sections 363, 366A IPC registered at Police Station Saran, District Faridabad (Annexure P1) along with consequential proceedings.

In the FIR Sudama stated that his daughter Ms. 'X' aged about 17 years who was studying in 12th class went to a beauty parlour from home on 20.7.2012 but has not returned. He suspected that the present petitioner Raj Mani Upadhaya has enticed away her daughter with an intention to marry her.

Before this Court a marriage certificate dated 28.8.2012 issued by Arya Smaj Temple, Aliganj, near Sitapur Road, Lucknow has been placed on file, showing that the prosecutrix married the

present petitioner about one month after the alleged incident. Further a copy of the order of this Court passed on 31.1.2014 goes to show that a habeas corpus petition bearing CRWP No.2038 of 2013 was filed in this Court, in which, the prosecutrix had appeared and expressed her intention to live with the present petitioner.

The State in the reply has stated that date of birth of the prosecutrix was 3.4.1995 and at the time of alleged occurrence, she was 17 years and 3 months of age.

I have heard learned counsel for the petitioner and the learned State counsel.

It comes out that the occurrence took place on 20.7.2012. The alleged marriage is of 28.8.2012. Except the certificate, there is no other proof of marriage. On the date of alleged incident, prosecutrix was not major. Therefore, it is a question of fact as to whether the petitioner had committed the offence on the alleged date or not. These are not to be gone into in petition under Section 482 Cr.P.C. Therefore, there is no ground to quash the FIR.

The petition is dismissed.

10.02.2015
gk

(Kuldip Singh)
Judge