

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

CRL. MISC. No.M-35847 OF 2015
DATE OF DECISION : 17TH MAY, 2016

Mohd. Naved @ Sheikh

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE HARI PAL VERMA

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Present : Mr. Sutikshan Sharma, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Bhupeshwar Jaswal, Advocate for respondent No.3.

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HARI PAL VERMA, J. (ORAL)

Prayer in the present petition is for quashing of FIR No.0539 dated 19.08.2015, under Section 365 IPC, registered at Police Station Sadar Rohtak, District Rohtak (Annexure P-4) along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner contends that the FIR in question has been registered against the petitioner as he has got married with respondent No.3. He further states that even respondent no.3 has made statement under Section 164 Cr.P.C. before the Duty Magistrate/Judicial Magistrate, First Class, Rohtak on 12.12.2015 wherein she has stated that she has preformed marriage with the petitioner and wants to live with him.

Reply on behalf of respondent No.1 has already been filed.

State counsel on the strength of reply and on instructions from ASI Kuldeep

Singh submits that in the aforesaid FIR the police has already prepared the cancellation report and the same is pending consideration before the Superintendent of Police concerned.

Even counsel for respondent No.3 has fairly admitted that Section 365 IPC is not attracted in this case as respondent No.3 has performed marriage with the petitioner.

Considering the fact that police has already prepared the cancellation report and which is pending consideration before the Superintendent of Police concerned, the present petition has been rendered infructuous and same is accordingly disposed of as such.

However, in case the petitioner finds that police has not submitted cancellation report or the Court has not accepted the same, he is at liberty to file fresh petition for quashing of the FIR.

17th May, 2016
'raj'

(HARI PAL VERMA)
JUDGE