

CRM-M-36462-2015

Date of Decision : 23.11.2016

Jatin Sharma

.....Petitioner

versus

State of Haryana and another

....Respondents

**CORAM : HON'BLE MS. JUSTICE RITU BAHRI****Present:** Mr. Baljinder Singh, Advocate  
for the petitioner.

Mr. Hemant Singh, DAG, Haryana.

Ms. Rozi Kapur, Advocate  
for respondent No. 2.**RITU BAHRI, JUDGE (ORAL)**

Petitioner is seeking quashing of FIR No. 505 dated 11.07.2015 registered under Sections 363, 366-A IPC at Police Station Karnal, Civil Lines District Karnal.

The marriage of the petitioner was solemnized with Priyanka, daughter of respondent No. 2 on 10.07.2015 on her own sweet will and consent. The copy of the marriage certificate dated 10.07.2015 has been placed on record as Annexure P-2. After the marriage, they resided happily as husband and wife at the matrimonial home. After solemnizing the marriage, they had approached the Sessions Court, Faridabad vide Protection Petition No. 83 dated 15.07.2015 for protection and interim protection was given to them after recording the statement of the petitioner and his wife. The same was withdrawn vide

order dated 24.07.2015 (Annexure P-3).

On notice, reply has been filed by the State by way of affidavit of Deputy Superintendent of Police, Karnal stating therein that after registration of FIR, the investigation was conducted by ASI Ajaib Singh, Investigating Officer, Police Station, Civil Lines, Karnal. During the course of investigation, statement of respondent No. 2 and other witnesses under Section 161 Cr.P.C. were recorded. The petitioner and Priyanka had filed a protection petition. It is admitted that protection was granted by the Sessions Court, Faridabad and as per the birth certificate of Priyanka, her date of birth is 25.10.1997. On the date of marriage i.e. 10.07.2015, she was 17 years 8 months and 15 days of age. After concluding the investigation, challan has been prepared but had not been submitted in the Court.

Learned counsel for the petitioner has referred to the statement made by the prosecutrix under Section 164 Cr.P.C (Annexure P-7) in which she has stated that she is living with the petitioner, Jatin with her own sweet will and in future, she wants to stay with him.

Learned counsel for the complainant has also informed that the main grievance of the complainant was that petitioner had solemnized marriage with the minor daughter of the complainant by abducting her, whose date of birth is not 05.09.1995.

Learned counsel for the petitioner has however, informed that the couple are living happily and blessed with the child on 09.07.2016.

Keeping in view the above fact that the daughter of complainant, at this stage, she has already attained majority, the petition is allowed and the FIR No. 505 dated 11.07.2015 registered under Sections 363, 366-A IPC at Police Station Karnal, Civil Lines District Karnal and the subsequent proceedings arising therefrom are hereby quashed *qua* the petitioner.

**(RITU BAHRI)**  
**JUDGE**

**23.11.2016**  
*Neha*

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |