

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M 40371 of 2015 (O&M)

Date of Decision: 01.12.2016

Nasir

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.J.S.Rozera, Advocate, for the petitioner.

Mr.D.R.Singla, DAG, Haryana.

Mr.Manoj Kaushik, Advocate, for the
applicant/appellant No.2.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.360 dated 24.06.2015, for the offence under Sections 363/366 IPC registered at Police Station Faridabad Central, District Faridabad, along with all consequential proceedings arising therefrom.

The FIR was got registered against the petitioner with the allegations that complainant's daughter Sahina aged 19 years did not come back to the House and the complainant apprehended that one Nasir son of Nasrula Mev R/o Village Akera, District Nuh Mewat, who was also residing on a rented accommodation in Badauli, had taken her daughter by alluring her on account of solemnizing marriage with her.

The petitioner has placed on record the order dated 25.06.2015 (Annexure P-2) passed in CRM-M-20559 of 2015 whereby, the petitioner

and the daughter of complainant-Sahina had approached this Court for

protection after solemnizing marriage against the wishes of their parents and they were granted protection.

The custody of the petitioner and his wife was handed over to the family of the petitioner vide order dated 16.07.2015 (Annexure P-3).

The affidavit (Annexure P-4) of daughter of the complainant i.e. Sahina, which was submitted before learned District and Sessions Judge, Faridabad, has been placed on record stating therein that complainant's daughter had solemnized the marriage with the petitioner as per rites of Muslim Traditions without any pressure, threat and coercion and she had left her parental house on her will and there was no missing or abduction by any one and affidavit to this effect has also been filed as Annexure P-5 before this Court as well.

On issuing notice, reply has been filed by Assistant Commissioner of Police, Central, Faridabad on behalf of respondent No.1, stating therein that the date of birth of the daughter of the complainant was 20.07.1999 and she was not above 18 years at the time of incident.

Petitioner and daughter of the complainant are present in Court and on a specific query to the daughter of the complainant, she stated that she is happily residing with the petitioner in her matrimonial house.

Consequently, in view of the the judgments of the this Court in the case of **Kammu Vs. State of Haryana and others 2010(4) RCR (Civil) 716** and **Yunus Khan Vs. State of Haryana 2014(3) RCR (Criminal) 518** it has been held that a muslim girl aged 15 years marrying a muslim boy aged 18 years, the marriage is valid under Muslim law as per provisions of Muslim Personal Law(Shariat) Application Act, 1937.

Accordingly, FIR No.360 dated 24.06.2015, for the offence

under Sections 363/366 IPC registered at Police Station Faridabad Central, District Faridabad, is quashed along with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

01.12.2016.
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>