

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CRM No.M-40762 of 2014

Date of decision: January 18, 2016.

Parveen and others

... **Petitioners**

v.

State of Haryana and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Manoj Tanwar, Advocate for the petitioners.

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

None for respondent No.2.

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

**Kuldip Singh, J.** (Oral):

The petitioners have filed this petition for quashing of FIR No.214 dated 30.4.2014 registered under Sections 364, 34 IPC and Section 6 of POCSO Act, 2012 at Police Station Mohindergarh, District Mohindergarh.

It is in the petition that Pooja, daughter of respondent No.2, had married petitioner No.1 on 17.7.2014 at Sri Radha Krishna Mandir, Maloya at Chandigarh. The copy of the marriage certificate and the photographs have been enclosed. It is further stated that petitioner No.1 and his wife filed a petition bearing CRM-M-24205-2014 for protection of their life and liberty. In the said petition, the

complainant had filed reply giving no objection if the protection is granted. It is stated that Pooja was never abducted and she had voluntarily accompanied petitioner No.1 and married him. Therefore, the proceedings are nothing but misuse of process of court. Learned Counsel for the petitioners contends that certificate Annexure P-3 of the Government Primary School, D.G. Pura, Rewari was produced wherein date of birth of Pooja is mentioned as 11.12.1993. Another certificate Annexure P-4 of Government Primary School, Meghanwas (Mohindergarh) has been produced wherein date of birth of petitioner No.1 is recorded as 6.6.1993 to show that both of them were major.

I have heard Learned Counsel for the parties.

The petitioners have produced a copy of the order passed by this Court wherein direction for protection of their life and liberty was given. Photographs of the marriage have been placed on the file. The birth certificate produced by the State indicates that the date of birth in Secondary Examination of Pooja is recorded as 11.12.1998. In the reply dated 27.11.2015, the State, after verifying the date of birth produced by the petitioners, has reported that as per the record in the Primary School, date of birth of Pooja is 11.12.1993. The latest verification appears to be more close to reality as, as per the earlier certificate of Secondary Examination, the petitioner had cleared the 12<sup>th</sup> standard examination at the age of 14 years, which is not possible.

During the proceedings, another development has come

on record. The birth certificate placed on the file shows that a male child was born to Pooja on 13.7.2015. In this way, it has come out that the couple is living happily and blessed with a male child. Therefore, it is not a case of kidnapping but a case of run away marriage. The husband and wife are now living happily and are blessed with a son. In these circumstances, the present FIR is nothing but misuse of process of court. Therefore, FIR No.214 dated 30.4.2014 registered under Sections 364, 34 IPC and Section 6 of POCSO Act, 2012 at Police Station Mohindergarh, District Mohindergarh stands quashed along with all consequential proceedings.

The petition stands allowed accordingly.

January 18, 2016.  
*kadyan*

**[ Kuldip Singh ]**  
**Judge**