

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9535-2015

Date of Decision:- 23.08.2016

Akhtar Hussain

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rahul Jaswal, Advocate, for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

**Mr. Vishal Satija, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Petitioner has filed the present petition for quashing of FIR No.480 dated 06.11.2014, registered under Section 376 IPC at Police Station Puhana, District Mewat along with all the consequential arising therefrom.

Petitioner has solemnized marriage with Kheruni @ Kheruna (respondent No.2) and had approached this Court for seeking protection by way of CRM-M-8525-2015 titled Kheruni @ Kheruna and another Vs. State of Haryana and others. They were granted the protection, vide order dated 17.03.2015 by this Court. Respondent No.2 is aged about 30 years as per copy of her Aadhar Card (Annexure P-2).

On notice, reply by way of affidavit has been filed by Deputy Superintendent of Police, Punhana, on behalf of respondent No.1 and stating therein that the prosecutrix had made a statement under Section 164 Cr.P.C. that she made a complaint against the petitioner at the instance of earlier husband Salamati as she was in his clutches. The petitioner has not done any wrong with her. Her earlier husband has divorced her and she is not living with him. After solemnization of marriage with the petitioner, now she is living with him as his wife happily. Keeping in view the said facts and evidence, cancellation report has been prepared on 09.04.2015 by the police and the same has been sent to the higher police authorities.

Learned counsel for respondent No.2 submits that despite filing of written statement by official respondent way back in the year 2015, the cancellation report has not presented before the Illaqa Magistrate. Moreover, respondent No.2 is residing happily with the petitioner and also blessed with one girl child.

Consequently, in view of the above-said facts and circumstances, no useful purpose would be served in prolonging the litigation. Accordingly, FIR No.480 dated 06.11.2014, registered under Section 376 IPC at Police Station Puhana, District Mewat and all the subsequent proceedings arising therefrom are hereby quashed.

The present petition stands disposed of.

August 23, 2016
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No