

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

CRM-M-13531-2016

Date of decision : 5.4.2017

Kuldeep

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Naveen Singh Panwar, Advocate for petitioner.

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

Mr. Saurabh Gulia, Advocate for respondent No. 2.

RITU BAHRI, J.

Prayer in the present petition is for quashing of FIR No. 352 dated 25.3.2015 under Sections 363, 366A, 376 IPC and Section 6 of POCSO Act registered at Police Station Gurgaon City.

The brief facts of the case are that respondent No.3 is the maternal grand daughter of the complainant-respondent No. 2. She was studying in class 12th and her age is 17 years. FIR was registered against the petitioner on the ground that on 25.3.2015 Kuldeep son of Mukesh Chauhan enticed away respondent No. 3 with the intention to marry her.

Respondent No. 2 has appeared as PW1 and wife of respondent No. 2 Sheela appeared as PW-1. Their statements have been recorded as Annexure P-2. On the other hand, mother of the prosecutrix Anita wife of late Satbir was also examined as PW3 and she did not support the prosecution case. None of the private witnesses supported the prosecution case. As per the school leaving certificate prosecutrix/respondent No. 3 was 17 years and 3 months of age at the time of incident and her date of birth is 12.11.1997.

It was a case of run away marriage and copy of the marriage certificate is also annexed as Annexure P-3.

As per reply dated 18.1.2017 respondent No. 3 Laxmi @ Payal was studying in class 12th and 17 years of age. During the investigation respondent No.3-prosecutrix was recovered from petitioner and thereafter petitioner was arrested on 14.4.2015. After completion of investigation, report was presented before the Illaqa Magistrate, Gurugram on 26.6.2015 and charges were framed against him.

Petitioner and respondent No. 3 are present in court today and submitted that they are residing together as husband and wife. As per the date of birth i.e. 12.11.1997 she has attained majority now and she is more than 19 years of age today.

In view of the above, I find no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 352 dated 25.3.2015 under Sections 363, 366A, 376 IPC and Section 6 of POCSO Act registered at Police Station Gurgaon City, is quashed along with all consequential proceedings arising therefrom qua petitioner.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

5.4.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No