

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

Crl. Misc. No. M-2637 of 2016

Date of decision : 22.02.2017

Neeraj Kumar

.....Petitioner

versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Karanjit Singh, Advocate
for the petitioner

Ms. Mahima Yashpal, AAG, Haryana

RITU BAHRI, J. (Oral)

Quashing of FIR No. 628 dated 10.12.2015 under Sections 363/366-A IPC, registered at Police Station Sarai Khawaja, District Faridabad, is being sought.

The allegations in the F.I.R are that complainant/respondent No. 2 alleged that her daughter respondent No. 3-Lata Devi @ Pooja who is 16 years old has been enticed away by petitioner for contracting marriage.

On notice, a reply has been filed by the State stating therein that the date of birth of respondent No. 3 is 03.04.1999 and she was minor at the time of registration of F.I.R. The school certificate of the daughter of the complainant was taken on record on 18.01.2016.

Learned counsel for the petitioner however submits that the petitioner solemnized marriage with the daughter of the complainant on 24.11.2015, which was duly registered by Registrar of Marriage, Allahabad on 14.12.2015 (P-3). The parents of her wife are against this marriage, being

inter-caster marriage. Further petitioner and daughter of the complainant sought protection from Allahabad High Court and the petition was disposed of by Hon'ble Allahabad High Court vide order dated 18.12.2015 (P-4).

Respondent No. 3 is present in the Court and states that she is residing happily with the petitioner in the matrimonial home and further one daughter was born out of this wedlock in September, 2016. She has gone with the petitioner with her own free will. She has been identified by ASI Narinder Singh.

Keeping in view the fact that now respondent No. 3 will attain majority on 03.04.2017, as her date of birth is 03.04.1999 and is residing happily with the petitioner, the present petition is allowed and FIR No. 628 dated 10.12.2015 under Sections 363/366-A IPC, registered at Police Station Sarai Khawaja, District Faridabad is quashed along with all consequential proceedings, in view of the judgment of the Hon'ble Supreme Court in cases Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429 and the law laid down by the Full Bench of this Court in the case of Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 as no useful purpose would be served in prolonging the litigation once the daughter of the complainant is residing happily with the petitioner.

22.02.2017

G Arora

(RITU BAHRI)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No