

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-29595 of 2016

Date of Decision:17.01.2017

Bhupender

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE RITU BAHRI.

**Present: Mr.Kunal Dawar, Advocate,
for the petitioner.**

**Mr.D.R.Singla, DAG, Haryana,
for respondent No.1-State.**

**Mr.B.S.Tewatia, Advocate,
for respondent No.2.**

**Mr.Gautam Dutt, Advocate,
for respondent No.3.**

RITU BAHRI, J.(Oral)

The petitioner is seeking quashing of FIR No.182 dated 04.04.2015 (Annexure P-1) registered under Sections 363, 366-A, 376 IPC and Sections 3 & 4 of the POSCO Act, at Police Station Sadar Palwal, along with all consequential proceedings arising therefrom.

The said FIR has been registered in the backdrop that the petitioner as well as respondent No.3 are from the same village and are known to each other since long. They had developed feelings for each other. The family members of respondent No.3 were against this alliance and, thereafter, on this ground, the FIR (Annexure P-1) was got registered against the petitioner. As is evident from the record that the petitioner has

solemnized the marriage on 01.08.2016 at Sanatan Dharam Mandir, Delhi, and their marriage was registered on 02.08.2016, as per marriage certificate (Annexure P-5).

Learned counsel for respondent No.3 on 26.08.2016 had informed this Court that the daughter of the complainant has solemnized the marriage with the petitioner. She was minor at the time of registration of FIR and now she has attained the majority.

Learned counsel for respondent No.3 and respondent No.3 are present in the Court today and stated that she had attained the majority on 28.06.2016 and her marriage was solemnized with the petitioner on 01.08.2016.

Learned counsel for the State has filed the reply stating therein that at the time when she had enticed away, was minor. After presentation of challan, now the case is fixed for defence evidence. All the prosecution witnesses have since been examined.

Keeping in view the fact that the marriage of the petitioner and respondent No.3 has been solemnized after attaining the age of majority, no purpose would be served in prolonging the proceedings in the trial Court, in view of the judgment rendered by Delhi High Court in case **Rukshana and another Versus Govt. of NCT of Delhi and others**, 2007 (3) R.C.R. (Criminal) 542 and by this Court in cases **Kiranjit Kaur and others Versus State of Punjab and another**, 2010 (1) R.C.R. (Criminal) 322 and **Goldi @ Kulvinder Versus State of Haryana and others**, 2010 (1) R.C.R. (Criminal) 371.

Hence, the petition is allowed and FIR No.182 dated 04.04.2015 (Annexure P-1) registered under Sections 363, 366-A, 376 IPC

and Sections 3 & 4 of the POSCO Act, at Police Station Sadar Palwal, along with all consequential proceedings arising therefrom, are quashed.

January 17, 2017
seema

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No