

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

**CRM No. M-31376 of 2016
Date of decision: 27.04.2017**

Parvesh Kumar and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Nishant Raj, Advocate,
for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana.

None for respondent No.2.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C., is for quashing of FIR No.709 dated 08.11.2007, under Sections 363/366 IPC (Section 376 IPC added later on), registered at Police Station, City Panipat, District Panipat (Annexure P-3).

The FIR was registered on the basis of complaint made by Som Pal-complainant (respondent No.2) to the effect that on 04.11.2007, at about 7:30/8:00 P.M., his daughter namely Sonia (petitioner No.2) had gone to purchase sugar from a grocery store owned by Mam Chand. However, she did not come back to the house. Despite making a thorough search, they could not find her anywhere. The complainant had a suspicion that her daughter had been enticed and taken away by Parvesh son of Om Singh,

resident of village Dungar, District Muzaffarnagar (U.P.) on the pretext of

marriage. In this background, FIR (Annexure P-1) was got registered.

Learned counsel for the petitioner has argued that in fact, petitioner No.1 was having love affair with Sonia-petitioner No.2 and he decided to marry her. However, complainant-respondent No.2 and his family members were not agree to the said marriage. Ultimately, both the petitioners left their houses and performed marriage In Arya Smaj Adarsh Colony, Muzaffarnagar against the wishes of respondent No.2 and his family members. Since the date of their marriage, the petitioners are happily residing together as husband and wife. Out of this marriage, two children namely Abhinav (aged about 5 years) and Alvish (aged about 6 years) were born. Copy of certificate issued by the Municipal Committee showing the names of the petitioners as father and mother of Abhinav Kumar has been annexed as Annexure P-2.

Upon notice, reply on behalf of respondent No.1-State, by way of affidavit of Deputy Superintendent of Police, CAW, Panipat, has been filed. In the reply, the factum of marriage of the petitioners and birth of children namely Abhinav and Alvish has not been denied. It has been stated that as per ossification test, age of the girl (Sonia) on 08.01.2009 was 15½ to 16½ years.

However, as per Annexure P-1, date of birth of Soniya-petitioner No.2 is 05.02.1988. As such, she is a major and has given birth to two children. This fact is evident from Annexure P-2. On the date of registration of the FIR i.e. 08.11.2007, petitioner No.2 was minor. However, at this stage, she has attained the age of majority and has become the mother of two children.

Since the prosecutrix (petitioner No.2) has solemnized marriage

with petitioner No.1 and at present, she is happily residing with her husband and minor children in the matrimonial home, continuation of criminal proceedings on the basis of present FIR, at this stage, would amount to an abuse of the process of Court. Moreover, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.709 dated 08.11.2007, under Sections 363/366 IPC (Section 376 IPC added later on), registered at Police Station, City Panipat, District Panipat, is quashed with all consequential proceedings arising therefrom qua petitioner No.1.

The petition stands allowed accordingly.

27.04.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No