

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

CRM-M No 31532-2016(O&M)

Date of Decision: 24.4.2017

Abid

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Saleem Ahmed, Advocate for petitioner.

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

Ritu Bahri, J. (Oral)

Present petition has been filed for quashing of FIR No. 50 dated 16.5.2016 under Sections 376-D, 506 IPC and Section 6 of POCSO Act registered at Women Police Station Nuh, District Mewat.

Brief facts of the case are that it was a case of run away marriage. Petitioner and respondent No. 5 have solemnized their marriage. They ran away from their respective houses on 14.4.2016 and approached this Court for protection. But, respondent No. 5 has been taken by respondent No. 4 forcibly. Thereafter, FIR dated 16.5.2016 (Annexure P-1) was registered against the petitioner. The date of birth of respondent No. 5 as per Aadhar Card (Annexure P-3) is 1.1.1996.

It is further mentioned that as per Annexure P-4 dated 9.8.2016 (*CRM-M-22203-2016, Aash Mohammed vs. State of Haryana and ors*), Abid and Rahila have solemnized marriage and sought protection from this Court on 22.6.2016 (Annexure P-2) vide *CRM-M-21624-2016 Rahila and another vs. State of Haryana and ors*.

Reply by way of affidavit of Deputy Superintendent of Police on behalf of respondents No. 1 to 3 has been filed. It is stated therein that prosecutrix was produced before the Illaqa Magistrate and statement of prosecutrix has been recorded under Section 164 Cr. P.C. She stated that she was acquainted with Abid-petitioner and solemnized marriage with him. They also took protection from the Hon'ble High Court on 22.6.2016. Her statement is annexed as Annexure R-1 with the reply.

During the course of investigation, the allegations levelled against the petitioner were found to be not reasonable. Accordingly, a cancellation report has been prepared on 18.11.2016. The same has been filed in the Court by the Illaqa Magistrate on 6.4.2017.

Keeping in view the fact that prosecutrix-respondent No. 5 was major and is happily residing with the petitioner now, present petition is allowed. FIR No. 50 dated 16.5.2016 under Sections 376-D, 506 IPC and Section 6 of POCSO Act registered at Women Police Station Nuh District Mewat is quashed along with all consequential proceedings arising therefrom qua petitioner.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

24.4.2017
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>