

CRM-M-20361-2018 (O/M)
Date of decision : 10.12.2018

Rajgiri

..... Petitioner (s)

Versus

State of Haryana and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Parveen Kaushik, Advocate,
for petitioner.

Mr. Sandeep Vashisht, DAG Haryana.

Mr. R.K. Chaudhary, Advocate, for,
Mr. Azaam Khan, Advocate,
for respondent No. 2.

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KULDIP SINGH, J. (ORAL)

Heard.

This order will dispose of petition filed by petitioner under Section 482 Cr.P.C. for quashing FIR No. 142, dated 22.3.2018 (Annexure-P-1), registered under Sections 76, 80 of Juvenile Justice (Care and Protection of Children) Act, 2015, Police Station Shivaji Colony, District Rohtak, alongwith consequential proceedings arising therefrom, on account of compromise dated 24.3.2018 (Annexure-P-3), effected between petitioner and complainant Dinesh.

Perusal of FIR in question shows that complainant Dinesh had made a complaint that one Baba Rajgiri is having one little boy with him, who is orphan. Said Baba Rajgiri used him for begging. On the basis of said complaint, FIR in question was registered. Now, petitioner accused Baba Rajgiri seeks quashing of FIR in question on the ground that said boy was adopted from his mother Versha, vide adoption deed No. 334, dated 21.3.2016 and that FIR in question is misused of process of Court.

State was directed to verify the adoption deed in question.

State has stated that now child, Versha and Baba Rajgiri (petitioner accused) are missing and are not traceable.

I am of the view that Rajgiri (petitioner) is a Sanyasi Baba. Therefore, it is questionable as to how he adopted a little boy. Further, it is to be seen as to whether Versha is biological mother of child and if it is so, whether she was competent to give him in adoption. It is further to be examined whether adoption deed was executed on said date or it is ante-dated. It is further to be examined that whether requisite conditions were fulfilled at the time of alleged adoption. It being so, it cannot be said that FIR in question is liable to quashed. Now, State is aggrieved party and complainant had just supplied information to police. It being so, there is no ground to quash FIR in question. Petition is dismissed.

(KULDIP SINGH)
JUDGE

10.12.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No