

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

Crl. Misc. M 48711 of 2018 (O&M)  
Date of decision: 1.11.2018

Bhupender

...Petitioner

Versus

State of Haryana and another

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Rohit Mittal, Advocate,  
for the petitioner.

**JAISHREE THAKUR, J.**

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 594 dated 11.10.2018 registered under Sections 323, 342, 406, 498-A, 506 read with Section 120-B IPC and Section 4 of the Protection of Children from the Sexual Offences Act, 2012. at Police Station Mahendergarh, District Mahendergarh.

The facts, as alleged, are that the petitioner got married with respondent No.2, according to Hindu rites and ceremonies on 22.11.2015 and at the time of marriage the petitioner and the respondent, both were minor child of 15 years of age. It is contended that the petitioner and his family members got to know on the same date that the respondent does not have a kidney and uterus and on coming to know about this concealment, the petitioner herein filed a petition under Section 12 of the Hindu Marriage Act, 1955 for annulment of the marriage. It is contended that notices have been issued in the matter and that after filing of the petition under Section 12 of the Hindu Marriage Act, the instant FIR has been registered against

the petitioner and his family members on 11.10.2018. It is contended that a reading of the said FIR would reveal that there is no specific allegations in the said FIR regarding demand of dowry, apart from other allegations therein.

I have heard learned counsel for the petitioner and have gone through the record.

The FIR is very lengthy and detailed one levelling several allegations against the petitioner and his family members. An argument has been raised that the petitioner herein has filed a petition under Section 12 of the Hindu Marriage Act on 16.8.2018 for the annulment of the marriage on the ground that a fraud has been played upon him and as such the instant FIR dated 11.10.2018 is nothing but a counter-blast to the petition so filed by the petitioner and as such the same deserves to be quashed on this ground. Filing of a petition under Section 12 of the Hindu Marriage Act cannot be made a ground for quashing of the FIR, which has been filed under Sections 323, 342, 406, 498-A, 506 read with Section 120-B IPC and Section 4 of the Protection of Children from the Sexual Offences Act, 2012. Both the matter i.e. FIR and the petition filed under Section 12 of the Hindu Marriage Act have to be decided independently on the basis of the evidence to be led in the respective cases.

In view of the above, this Court is not inclined to interfere in this petition. Dismissed.

**1.11.2018**

prem

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No