

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205+138

CRM-27293-2019 in/and
CRM-M-47134-2017(O&M)

Date of Decision:09.09.2019

Mohamdeen

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Mazlish Khan, Advocate,
for the petitioner.**

Ms. Gaganpreet Kaur, AAG, Haryana.

**Mr. Manohar Lall, Advocate,
for respondent No.3.**

HARI PAL VERMA, J.(Oral)

CRM-27293-2019

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record affidavit of respondent No.3.

Application is allowed, as prayed for. Affidavit of respondent No.3 is taken on record, subject to all just exceptions.

CRM-M-47134-2017

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0268 dated 04.05.2016 under Sections 363, 366 IPC, registered at Police Station City Palwal, District Palwal (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of affidavit dated 03.09.2019 of respondent No.3.

Learned counsel for the petitioner states that marriage between petitioner-Mohamdeen and respondent No.4-Afseena @ Mamta was solemnized, but respondent No.3-Pappu has got FIR registered against the petitioner for offence under Sections 363, 366 IPC. He further states that the petitioner and respondent No.4 have approached this Court by way of CRM-M-1125-2017 to seek protection to their life and liberty and this Court vide order dated 16.01.2017 (Annexure P-2) had disposed of the said petition with a direction to the Superintendent of Police, Palwal, Haryana, to consider the representation submitted by the parties i.e. petitioner and respondent No.4 dated 07.01.2017 and to take appropriate action on the representation in accordance with law. As on date, petitioner and respondent No.4 are residing together as husband and wife. The date of birth of respondent No.4 is 01.01.1999. When they have solemnized marriage, they were major. From this wedlock, two children have born to them.

Learned counsel for respondent No.3 has filed an affidavit of respondent No.3 to the effect that he has verified about the marriage between the petitioner and respondent No.4-Afseena @ Mamta (daughter of respondent No.3) and has found that they are living together happily. The petitioner and respondent No.4 were major at the time of leaving home and they have decided to cooperate with each other. Therefore, he has no objection to the said marriage. The affidavit so filed further suggests that respondent No.3 has no objection in case FIR in question is quashed as the parties are living together as husband and wife and they have been blessed with two children. The complainant is no more interested to pursue the FIR against the petitioner.

In view of the affidavit so filed by respondent No.3 and noticing the fact that petitioner and respondent No.4 are living together and blessed with their two children and on the relevant date, respondent No.4 was major when she solemnized marriage with the petitioner, the present petition is allowed and FIR No.0268 dated 04.05.2016 under Sections 363, 366 IPC, registered at Police Station City Palwal, District Palwal (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner.

September 09, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No