IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

258 **CRM-M-28380-2021 (O&M)**
Date of order: 09.08.2023

Anil Kumar & Another

…..Petitioner(s)

Vs.

State of Haryana & Another

…..Respondent(s)

CORAM: **HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. A.S. Khosa, Advocate
for the petitioners.

Ms. Deep Shikha Chauhan, AAG Haryana.

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Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.249 dated 08.07.2021 (Annexure **P-1**) under Sections 363 and 366 IPC registered at Police Station Rania, District Sirsa and all consequential proceedings arising therefrom.

Learned counsel for the petitioners submits that abovesaid FIR has been registered on the basis of statement of complainant/respondent No.2 herein who is father of petitioner No.2 herein. It is submitted that both the petitioners are major and got married on 07.07.2021 and therefore, present petition be allowed.

Learned State Counsel does not dispute the above said facts and submits that cancellation report has already been filed. Learned counsel refers to paras 5 & 6 of the status report by way of affidavit of Jagat

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Singh, HPS, Deputy Superintendent of Police, Ellenabad dated 19.10.2022, which is reproduced hereinbelow:-

"*5. That thereafter the girl-Kiran Bala (as per her willing) was handed over to her husband Anil Kumar son of Bansidhar, resident of Vill. Satyu, Tehsil Tara Nagar, Distt. Churu and as such during the investigation and from the statement of Kiran Bala, it is found that girl Kiran Bala is residing with petitioner no.1 out of her free consent and as such the allegations leveled in the FIR were not found true. Therefore cancellation report (of the FIR No.249 dated 8.7.2021) was prepared on 28.11.2021 and the said cancellation report has already been approved by the Office of SP, Sirsa vide its Office memo no.715 RSP dated 6.5.2022 and after further compliance, the same would be filed in the Court accordingly.*

6. That as such in view of the above facts, this is not a case of abduction of the petitioner no.2 by the petitioner no.1 by way of any kind of allurement upon her. The petitioner no.2 is major girl and she has joined the company of the petitioner no.1 out of her free will, hence the abovesaid FIR has been reported as cancelled and the cancellation report has been submitted before the Worthy SP, Sirsa for approval."

FIR was registered thereafter on 08.07.2021 just to harass and pressurize the petitioners. It is stated that petitioner No.2 left her parental home of her own free will and therefore, offence under Sections 363 and 366 IPC is not made out.

This Court has heard the learned counsel for the parties and has perused the file.

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In view of what has been discussed hereinabove and reply filed by the State and admitted position as noted above, this petition is allowed and FIR No.249 dated 08.07.2021 (Annexure **P-1**) under Sections 363 and 366 IPC registered at Police Station Rania, District Sirsa along with all other consequential proceedings arising therefrom, is ordered to be quashed.

Petition stands disposed of.

09.08.2023 **(Nidhi Gupta)**
Sunena **Judge**

Whether speaking/reasoned **Yes/No**
Whether reportable **Yes/No**

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