

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

245

CRM-M-25609-2020 (O&M)

Date of order: 03.10.2023

Mubarik

.....Petitioner(s)

Vs.

State of Haryana & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None for the petitioner.

Ms. Deep Shikha Chauhan, AAG Haryana.

None for respondent No.2.

Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.72 dated 09.03.2020 (Annexure **P-1**) under Sections 365, 376, 379-B, 452, 354-A, 506 IPC and Sections 25/54/59 of Arms Act, 1959 registered at Police Station Nagina, District Nuh as well as all the subsequent proceedings arising therefrom.

Learned State Counsel on instructions from ASI Abdul Gaffer submits that cancellation report in the present FIR has been filed before the learned trial Court on 29.07.2023 and the same is pending for 11.12.2023. It is further submitted that in any event, the petitioner and respondent No.2 have solemnized marriage on 10.04.2020. Relevant part of reply dated 26.09.2020 filed by respondent No.1-State is reproduced hereinbelow:-

“3. That it is also worthwhile to mention here that the prosecutrix again fled away from her house and solemnized marriage with Mubarik on 10.04.2020 and they have also moved an application for providing protection before the Ld. Session Judge, Nuh, who allowed the application vide her order dated 15.04.2020 and in compliance of the aforesaid order police protection was given to them by the Superintendent of Police, Nuh vide order no. 4210-15 dated 24.04.2020. A copy of the said order is annexed as Annexure R-1. After that the petitioner and respondent no 2 moved an application before the Ld. ASJ, Nuh for releasing them from protection house, Nuh and order to release them was issued by the court of Ld. ASJ, Nuh and directed the Superintendent of Police to release them from the protection house there for they were released vide order dated 24.04.2020. A copy of the order dated 20.04.2020 is annexed as Annexure R-2. It is further submitted that a statement of the prosecutrix was recorded u/s 161 Cr.P.C. on 15.04.2020, which is annexed as annexure R-3. And her date of birth certificate is also annexed as annexure R-4.”

Perusal of order sheets shows that there is no representation on behalf of the petitioner and respondent No.2 on the last three days of hearing i.e. 14.12.2020, 13.01.2021 and 08.03.2021.

In view of above submissions made by learned State Counsel, present petition is **allowed** and FIR No.72 dated 09.03.2020

(Annexure **P-1**) under Sections 365, 376, 379-B, 452, 354-A, 506 IPC and Sections 25/54/59 of Arms Act, 1959 registered at Police Station Nagina, District Nuh as well as all the subsequent proceedings arising therefrom, is ordered to be quashed qua the petitioner.

Petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

03.10.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No