



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

247

CRM-M-555-2023 (O&M)
Date of Decision: 28.08.2024

Aaryan

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. H.P.S. Ghuman, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

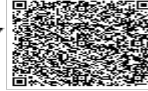
Mr. Gaurav Dutta, Advocate for respondent No.2.

Mr. Lakshay Goel, Advocate and
Mr. Mayank Kalra, Advocate for respondent No.3.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No. 312 dated 08.12.2021 (Annexure P-1) under Section 363, 366-A IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Mullana, District Ambala and consequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner who is now about 20 years of age and alleged victim/respondent No.3 who was about 17 years and 5 months of age at the time of commission of alleged offence, were in a consensual relationship. Respondent No. 3 wishes to live with the petitioner and his family. Petitioner is going to attain the age of majority i.e. 21 years as on today itself and, thereafter,



the petitioner and respondent No.3 intend to solemnize marriage. It is submitted that the present FIR has been filed by respondent No.2/father of respondent No.3 against the present petitioner only. It is accordingly prayed that the present FIR be quashed.

Learned counsel for the complainant/respondent No.2 opposes the prayer made on behalf of the petitioner, however admits that at the time of registration of FIR on 08.12.2021, the alleged victim/respondent No. 3 was 17 years and 5 months of age.

Learned counsel for respondent No.3 supports and admits the submissions made on behalf of the petitioner.

Learned counsel for the State refers to the assertions made in para Nos. 5 and 6 of the status report dated 12.04.2023 filed by way of an affidavit of the Deputy Superintendent of Police, Barara, District Ambala on behalf of respondent No.1, wherein it has been admitted that the petitioner and respondent No.3 had filed a CRWP No. 11781-2021 seeking protection and during hearing, it was observed that respondent No. 3 was taking shelter in Ashyana Sector-15, Chandigarh as she was not willing to live with her parents. It is further submitted that subsequently respondent No. 3 upon attaining the age of majority, had made a statement before learned Judicial Magistrate 1st Class, Ambala on 27.07.2022 wherein she had expressed her willingness to live with the family of the petitioner and specifically stated that she is not willing to go with her parents and at present, she is living at the house of the petitioner.

I have heard learned counsel for the petitioner and perused the case file in great detail.



Perusal of record of the case shows that as per the Aadhar Card of the victim/respondent No.3, her date of birth is shown to be 05.07.2004 and as such on the date of incident i.e. 07.12.2021, she was 17 years and 5 months of age. As per Aadhar Card of the petitioner, his date of birth is shown to be as 26.08.2003, the petitioner was 18 years and 4 months of age.

Leraned counsel for the State, on instructions from SI Surender Singh has informed that offences under Section 366-A IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 have been deleted vide order dated 20.11.2023 passed by learned Additional Sessions Judge-Fast Track Court under POCSO Act, Ambala. Copy of the said order has been handed over in Court today, which is taken on record.

In view of the undisputed facts as noticed above, present petition is **allowed**; and FIR No. 312 dated 08.12.2021 (Annexure P-1) under Section 363, 366-A IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Mullana, District Ambala and consequent proceedings arising therefrom, are hereby **quashed** qua the petitioner.

Pending application, if any, stands disposed of.

28.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No