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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1063-2024 (O&M)
Date of decision: 18.10.2024

Priyanshu Kamboj

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Ms. Lipika, Advocate for
Mr. B.S. Mamli, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Lovepreet Singh, Advocate and
Mr. Ravi Rana, Advocate
for respondent No.2.

Mr. J.S. Saneta, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J.

1. Present petition has been filed under Section 482 of the Code
of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing of FIR
No.1006 dated 14.12.2023 under Sections 363 & 366 of the Indian Penal



Code, 1860 (for short 'IPC'), registered at Police Station City Yamuna Nagar, District Yamuna Nagar and all the subsequent proceedings emanating therefrom.

2. On 02.09.2024, following order was passed by this Court: -

“Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.1006 dated 14.12.2023 under Sections 363 & 366 of the Indian Penal Code, 1860, registered at Police Station City Yamuna Nagar, District Yamuna Nagar and all the subsequent proceedings emanating therefrom.

Learned counsel for the petitioner, inter alia, contends that the petitioner and respondent No.2 fell in love with each other and their relationship was opposed by her father-respondent No.3 and thereafter, FIR (supra) was registered. In fact, the petitioner and respondent No.2 eloped due to opposition of complainant, who was impleaded as respondent No.3 vide order dated 15.01.2024. It is further contended that the petitioner and respondent No.2 performed marriage on 11.12.2023 and thereafter, they approached this Court seeking protection of their lives and liberty by filing CRWP-12151-2023, which was disposed of vide order dated 16.12.2023. Admittedly, at the time of marriage, the petitioner and respondent No.2 were major and as such, the factual ingredients breaching the threshold of Sections 363 & 366 of IPC are clearly missing.

Adjourned to 18.10.2024.

The jurisdictional police authorities are directed to



verify the factum of marriage between the petitioner and respondent No.2.”

3. In compliance of the aforesaid order, reply by way of affidavit of Rajesh Kumar, HPS, Deputy Superintendent of Police, Yamuna Nagar-II, on behalf of respondent No.1-State has been filed and the same is taken on record.

4. Learned State counsel refers to para No.4 of the preliminary submissions contained in the aforesaid affidavit and submits that when the petitioner along with respondent No.2 approached this Court by filing CRWP-12151-2023 titled as ‘*Saloni and another Vs. State of Haryana and others*’, statement of respondent No.2-Saloni was recorded by Deputy Superintendent of Police, Indri, District Karnal (Annexure R-1) and in this regard, report (Annexure R-2) was sent to the Superintendent of Police, Karnal on 16.02.2024 and following was recorded by Deputy Superintendent of Police, Indri, Karnal, in terms of statement made by respondent No.2-Saloni: -

“...During investigation, the petitioner Saloni wife of Priyanshu R/o Vill. Badarpur, P.S. Indri, Dist. Karnal got recorded her statement that “I am the resident of the above said address and undergoing the study of B.Ed. I have solemnized marriage with my own free will and consent with Priyanshu R/o Vill Badarpur, P.S. Indri Dist. Karnal on dated 11.12.2023. Thereafter, I and my husband Priyanshu filed CRWP No.12151-2023 in the High Court at Chandigarh for the protection of our life and liberty against my father Satish



Kumar son of Baljit Singh, brother Parduman and uncle Sudhir son of Baljit, Rs/o Village Mohra, Tehsil Nakud, Dist. Saharanpur, UP. During that period, my father got registered FIR No.1006 dated 14.12.2023 under Sections 363, 366 of IPC at P.S. City Yamuna Nagar against my husband Priyanshu. Because at that time I used to come for study at Diksha Academy, Yamuna Nagar. Regarding this case I and my husband appeared before the Hon'ble Judge in the High Court at Chandigarh on 19.01.2024 and my parents and family members were also present there. The Hon'ble Judge asked me with whom I want to go. Then I told that I want to go with my husband Priyanshu. Now I am residing with my husband at my parent-in-law's village Badarpur. Now I and my husband do not have any type of danger from my father, brother, uncle and others. Now we do not need any police protection/help."

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner and respondent No.2 were major at the time of registration of FIR (*supra*) and they had performed marriage on 11.12.2023 and thereafter, they approached this Court seeking protection by way of filing CRWP-12151-2023, which was disposed of vide order dated 16.12.2023. As per stand taken by respondent No.1-State, the petitioner and respondent No.2 have performed marriage with each other and affidavit of respondent No.2 is also available on record as Annexure R-2/1, in which she reiterated the factum of her marriage with the petitioner and the fact that both of them are cohabiting together as husband and wife.

6. A Full Bench of Delhi High Court in ***Court on its Own***



Motion (Lajja Devi) Vs. State, 2012(4) CCR 72 held that if the girl is more than 16 years of age and makes a statement to the effect that she left of her own volition and records a statement indicating that the consent was without any force, coercion or undue influence, the Court will be within its power to accept the statement and quash the proceedings under Section 363 or 376 of IPC. It has been further held that the FIR can be quashed, if after attaining the age of majority, she affirms and reiterates her consent.

7. Keeping in view the facts and circumstances of the case and in view of the ratio of law laid down by the Full Bench of Delhi High Court in *Lajja Devi*'s case (*supra*), present petition is allowed and FIR No.1006 dated 14.12.2023 under Sections 363 & 366 of IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar and all subsequent proceedings arising therefrom are quashed, qua the petitioner.

18.10.2024
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[HARPREET SINGH BRAR]
JUDGE

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