



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-23613-2024

Date of Decision: 10.05.2024

Rovin @ Robin

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ravi Malik, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

By way of filing the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of impugned order dated 10.05.2023 (Annexure P-1), passed by the learned Additional Sessions Judge, Palwal, declaring the petitioner as proclaimed person in case FIR No. 143 dated 29.06.2022 (Annexure P-2) registered under Sections 363, 366-A and 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Hassanpur, District Palwal and all consequential proceedings arising therefrom.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner and the victim/respondent No. 2 herein were in a consensual relationship. Complainant in the present case is the aunt of victim/respondent No. 2, who is respondent No. 3 before this Court. It is submitted that as per FIR (Annexure P-2) the victim was 16 years of age on the date of occurrence i.e. 29.06.2022. Learned counsel submits that



the aforesaid assertion made in the FIR is incorrect, because as per copy of Aadhaar Card (Annexure P-3) date of birth of the victim is 26.02.2003, therefore, she was 19 years of age as on 29.06.2022. It is submitted that notwithstanding the same, the petitioner and respondent No. 2-victim have solemnized marriage on 22.04.2024 and are residing happily together, as is evident from marriage certificate (Annexure P-4) and marriage registration certificate (Annexure P-5) both dated 22.04.2024. Thus, it is submitted that the impugned order (Annexure P-1) is based on surmises and conjectures, as the same has been passed without following the proper procedure as no service was effected upon the petitioner either through summons or by any other process of law. Learned counsel for the petitioner submits that the petitioner is ready and willing to surrender before the learned trial Court to attend the trial proceedings and, therefore, requests that the impugned order dated 10.05.2023 (Annexure P-1) may be set aside.

Notice of motion.

On the asking of Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana, accepts notice on behalf of respondent No. 1-State.

I have heard learned counsel for the parties and gone through the case file.

In view of the above and keeping in view the totality of the facts and circumstances of the case, but without commenting upon the merits of the case, the impugned order dated 10.05.2023 (Annexure P-1), declaring the petitioner to be proclaimed person and all subsequent proceedings arising therefrom are ordered to be set aside. The petitioner



is directed to surrender before the learned trial Court/Duty Magistrate within a fortnight i.e. on or before **25.05.2024**, and move an application for regular bail, which shall be considered and disposed of by the learned trial Court/Duty Magistrate on the same day, by accepting bail/surety bonds to be furnished by the petitioner to the satisfaction of the trial Court/Duty Magistrate.

The instant petition stands disposed of, accordingly.

10.05.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No