

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27122-2024
Reserved on: 01.08.2024
Pronounced on: 30.08.2024

Amit ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjeev Kumar, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

Mr. Salman Ahmed, Advocate
for respondent No.5.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0237	17.04.2024	Chandni Bagh, District Panipat	365 IPC

1. Seeking quashing of FIR captioned above, the petitioner has come up before this Court under Section 482 CrPC.
2. The above captioned FIR was registered based on the complaint made by father of respondent No.5- K with whom petitioner claims to have married on 25.04.2024 vide Annexure P-3.
3. Counsel for the petitioner submits that respondent No.5 was born on 07.04.2004 as is apparent from Annexure P-5 which makes respondent No.5 an adult and as such, there is no authority for her father- respondent No.4 to have objected to her personal contact.
4. Counsel for the petitioner has annexed an affidavit of respondent No.5 as Annexure P-1 in which she has declared her date of birth as 07.04.2004 and has also explicitly mentioned that she wants to live-in relationship with petitioner and wants to marry the petitioner. Thus, the language of the affidavit makes it clear that she is yet not married but she wants to live-in relationship and wants to marry the petitioner. Further perusal of the reply dated 31.07.2024 filed by concerned DySP explicitly refers that date of birth of respondent No.5 is 25.07.2009. It would be appropriate to reproduce relevant portion of para no.2 of the reply which reads as follows:-

“(iii) That on 21.04.2024, Complainant produced certificate issued by Government Primary School as per which the date of birth of the missing girl was found to be 01.01.2009. Hence, the age of victim was found to be about 15 Years 3 Months 15 Days on the day of incident i.e. 16.04.2024 as per the school record. It is pertinent to mention here that the school certificate was also verified by the investigating officer from the school on 31.05.2024 and was found to be correct. True copy of Birth certificate issued by Government Primary School, Panipat is annexed herewith as Annexure R-1.

(v) That on 26.06.2024 itself, record of Civil Hospital was investigated and it was found that the birth of victim girl is recorded in their register at Serial No. 57 dated 25.07.2009 and her date of birth is recorded as 25.07.2009. Hence, the age of victim was found to be about 14 Years 8 Months 22 Days on the day of incident i.e. 16.04.2024 as per the school record. True copy of relevant birth record register is annexed herewith as Annexure R-2.

Accordingly, Section 363, 366 of IPC were added in the case as per the nature of crime.

(ix) That on 06.06.2024, Date of Birth Certificate issued by Registrar of Death and Birth, Municipal Corporation, Panipat was taken into police possession as evidence. The perusal of which also shows that the date of birth of the missing girl is 25.07.2009. True copy of date of birth certificate of the respondent no. 5/missing girl is annexed herewith as Annexure R-6.

(x) That thereafter, the petitioner filed the present petition before this Hon'ble Court on the basis of Birth Certificate dated 15.05.2024, Annexure P-5, allegedly issued by Sub-Registrar (Birth & Death), District Government Hospital, Shamli. The said birth certificate was verified by the investigating officer from Nodal Officer (Birth & Death), C.M.O, Shamli and it revealed that the Birth Certificate, Annexure P-5, has not been issued from their officer and hence the said certificate was found to be forged and has no value in the eyes of law. True copy of report of CHC, Shamli is annexed herewith as Annexure R-7.”

5. An analysis of the above arguments would clear cut lead to the outcome that it is not a case where the criminal proceedings can be disrupted.

6. Given above, the petition is dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.