



122

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36523-2024

Date of decision: 13.08.2024

Asfaque @ Asfaque Aalam and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Munfaid Khan, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This second petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.162 dated 05.06.2024 under Sections 363/366 of IPC registered at Police station Punhana, District Nuh (Annexure P-3) and all consequential proceedings arising therefrom.

On 01.08.2024, the following order was passed:-

'This second petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing of FIR No.162 dated 05.06.2024 under Sections 363, 366 of IPC, registered at Police Station Punhana, District Nuh (Annexure P-1) and all the subsequent proceedings emanating therefrom.

The first petition i.e. CRM-M-30589-2024 seeking quashing of FIR (supra) was dismissed as withdrawn vide order dated 15.07.2024 with liberty to file a fresh petition by impleading the victim as respondent No.3.

Learned counsel for the petitioners, inter alia, contends that petitioner No.1 and respondent No.3 are



major and they fell in love with each other, but their relationship was opposed to respondent No.2 and on account of his opposition, both of them eloped and performed marriage on 03.06.2024 with each other without consent of respondent No.2 and other family members. Thereafter, respondent No.2 got registered FIR (supra) against the petitioner, which is clearly an abuse of process of law, as daughter of respondent No.2/victim-prosecutrix is major and she herself left her house and performed marriage with petitioner No.1. Thereafter, petitioner No.1 and respondent No.3 approached this Court by filing CRWP-5834-2024 and vide order dated 21.06.2024, the same was disposed of by issuing direction to the official respondents to decide their representation and grant them protection, if any threat to their lives and liberty is perceived. The marriage certificate and the order dated 21.06.2024 passed by this Court are attached with the present petition as Annexures P-2 & P-4, respectively.

At this stage, Mr. Deepak Grover, Advocate appears on behalf of respondent No.3 and files his Vakalatnama, which is taken on record. He submits that respondent No.3 is legally wedded wife of petitioner No.1 and she is major and she is happily cohabiting with him as his wife in her matrimonial home and continuation of proceedings pursuant to FIR (supra) is an abuse of process of law.

Learned State counsel appears on advance notice and seeks time to verify the factum of marriage between petitioner No.1 and respondent No.3.

Adjourned to 13.08.2024.

In the meantime, no coercive action be taken against the petitioners.'

Learned counsel for the petitioners further contends that the proximity of the age between petitioner No.1 and respondent No.3 must be given due consideration and a compassionate view be taken considering their young age and nature of circumstances. Reliance in this regard can be placed upon the following:

Sr. No.	Case Title	Court
	K. Dhandapani v. The State 2022(2) R.C.R.(Criminal) 987	Hon’ble Supreme Court
2.	Ananda D.V. V. State and others 2021(OLR) 1074	
3.	Kapil Gupta v. State of NCT of Delhi and others 2022(4) R.C.R.(Criminal) 497	
4.	Jatin Aggarwal v. State of Telangana and others 2022(2)R.C.R(Criminal) 603	
5.	Ranjeet Kumar v. State of H.P. and others MANU/HP/2314/2013	Himachal Pradesh High Court (DB)
6.	Narinder Kaur @ Ninder Kaur and others v. State of Punjab and others CRM-M-41204-2020	Punjab and Haryana High Court
7.	Ashik Ramjan Ansari v. The State of Maharashtra and others 2023 CriLJ 3633	Bombay High Court
8.	Sabari v. Indpector of Police, Belukurichi Police Station and others 2019(3) R.C.R(Criminal) 452	Madras High Court
9.	Jitender Kumar Sharma v. State and others 2010(4) R.C.R. (Criminal) 20	Delhi High Court (DB)
10.	Skhemborlang Suting and others v. State of Meghalaya and others MANU/MG/0054/2022	Meghalaya High Court
11.	Tarun Vaishnav v. State of Rajasthan and others MANU/RH/16181/2022	Rajasthan High Court
12.	Kundan and another v. State and others CrI.M.C. 27/2022	Delhi High Court
13.	Devendranath v. State of U.T. Chandigarh and Others CRM-M-23281-2023	Punjab and Haryana High Court

**CRM-M-36523-2024****-4-**

Learned State counsel in compliance of earlier order dated 01.08.2024 passed by this Court has filed short status report by way of an affidavit dated 10.08.2024 which is taken on record and affirms the factum of marriage between petitioner No.1 and respondent No.3 and further submits that they are cohabiting together as husband and wife. In this regard, marriage certificate appended with the status report is also on record.

Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds merit in the present petition.

Accordingly, in view of ratio of law laid down by the Hon'ble Supreme Court and the Full Bench of Delhi High Court in the cases referred to above, instant petition is allowed and FIR No.162 dated 05.06.2024 under Sections 363/366 of IPC registered at Police station Punhana, District Nuh (Annexure P-3) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

13.08.2024*Neha*

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