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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.258

CRM-M-5292-2025 (O&M)

Date of decision : 14.05.2025

Manjit Singh @ Mani

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Abdul Aziz, Advocate, for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Rupender Singh Rana, Advocate,
for respondents No.2 and 3.

KIRTI SINGH, J. (Oral)

1. The instant petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) for quashing of the FIR No.041 dated 31.05.2022, registered under Sections 363 & 366 IPC (Section 376 IPC and Section 4 of POCSO Act were added later on) at Police Station Sadar Balachour, District Shaheed Bhagar Singh Nagar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the statement of the father of the prosecutrix, alleging that the petitioner had enticed away the prosecutrix (respondent No.3 herein) on the pretext of marriage; whereas in actuality, respondent No.3 had left her parental home on her own accord. The petitioner was arrested in this case on 21.06.2022, but was granted regular bail on 05.11.2022, whereafter the petitioner and respondent No.3 solemnized marriage on 17.10.2023. The parties since have been living together they have also been blessed with a child. Further, the matter was also compromised between the complainant (respondent No.2 herein) and

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the petitioner, in which regard reliance can be placed on Annexure P6. The complainant-respondent No.2 and respondent No.3 (prosecutrix) also turned hostile during the course of trial. Thus, keeping the present FIR alive will only cause undue hardships in the otherwise happy and peaceful life of the petitioner and respondent No.3. On the point of quashing the FIR under POCSO on the basis of compromise, learned counsel has placed reliance upon the judgment passed by the Kerala High Court in **XX Vs. State of Kerala and others (Crl. Mc. No.6880 of 2022)** and judgment passed by the Allahabad High Court in **Rajan @ Vicky and others Vs. State of UP and others.**

3. Learned counsel appearing for respondents Nos.2 and 3 do not controvert the submissions made by the learned counsel for the petitioner, and pray that in view of the same, the present FIR be quashed.

4. Both the parties are present in person in Court today along with their minor child. They admit the factum of marriage between them, and pray that the present FIR be quashed.

5. Heard.

6. The Hon'ble Supreme Court in ***K. Dhandapani vs. The State by the Inspector of Police, Criminal Appeal No. 796 of 2022***, though explicitly held for the judgment to not be treated as a precedent, set aside the conviction and order of sentence of the maternal uncle of the prosecutrix who had married her and had a family with her. While commenting on the need to acknowledge the peculiar facts of the case, it was opined that, “..This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix...”

7. The Rajasthan High Court in ***Tarun Vaishnav vs. State of Rajasthan and another, S.B. Criminal Misc(Pet.) No. 6323/2022, decided on 13.10.2022***, SLP against which was dismissed on 03.03.2023, set aside

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the FIR against the petitioner accused of corresponding allegations as in the present case by observing that, “15. The petitioner’s prosecution and conviction will lead to pain and tears in the eyes of the family members of both the parties and future of two families, and above all, an innocent child will be at stake, whereas, if the impugned FIR is quashed, it would serve the ends of justice.”

8. In *Sonu@ Sunil vs. State of NCT of Delhi and ors., CRL.M.C. 4168/2022, decided on 26.04.2024*, the Delhi High Court, while quashing an FIR based on similar facts, observed that, “26. Of late, however, the Courts are faced with petitions where children, who are about to attain the age of majority, in ignorance of the statutory prohibitions and restrictions and consequences, in the name of love, commit acts which would otherwise amount to offence under the provisions of the Child Marriage Act, POCSO Act, and the IPC. Though, being minor, their consent is immaterial, however, factually it is there. This situation makes the Courts face with two consequences, either to go strictly by the mandate of the statute and convict the boy and impose punishment on him, which is rather severe in these statutes, or to exercise its power under Section 482 of the Cr.P.C. to protect the otherwise innocent children/adult by quashing the criminal proceedings. The Courts when faced with such a dilemma, has been adopting the route of exercising its power under Section 482 of the Cr.P.C., to quash such criminal proceedings where it finds that the girl was nearing the age of majority; had gone with the boy of her own free will (though it may be immaterial in law); is happily living with the boy, either in matrimony or otherwise, after attaining the age of majority; and in some circumstances where such relationship has also resulted in children being born. The Court, in such circumstances, is persuaded to save the lives of such an accused,

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rather than to make him undergo trial and eventual punishment, which would not only ruin innocent lives of the parties to such a relationship, but may be, also of the children that are born therefrom...” In conclusion, it was held by the Court that, “ 28. As noted hereinabove, though the respondent no.3 was a minor when she eloped with the petitioner, and may be when they solemnized their marriage, she states that she is happily living with the petitioner, and the two children, who have been born from the wedlock. In such a scenario, to continue to prosecute the petitioner would in fact be to punish the respondent no.3, who the law sees as a victim. It would also punish the two children for no fault of theirs. It will ruin four lives and no person shall gain therefrom.”

9. Reverting to present petition, this Court is of the considered view that since the petitioner and respondent No.3 are now happily married and also have a child from their wedlock, continuing with the criminal proceedings will cause undue harassment to the petitioner and also to respondent No.3 and their child.

10. As a fallout, the present petition is allowed and FIR No.041 dated 31.05.2022, registered under Sections 363 & 366 IPC (Section 376 IPC and Section 4 of POCSO Act were added later on) at Police Station Sadar Balachour, District Shaheed Bhagar Singh Nagar and all subsequent proceedings arising therefrom are quashed qua the present petitioner.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

14.05.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No