



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

(206)

**1. CRM-M-10453-2025 (O&M)
Date of Decision: 23.7.2025**

Mohammad MehtazPetitioner

Versus

State of Punjab and othersRespondents

2. CRM-M-27192-2025 (O&M)

Roji Begam and anotherPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. J.S.Sekhon, Advocate
for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. S.S.Kalra, Advocate
for respondent No. 2.

KIRTI SINGH, J. (ORAL)

1. Since both the petitions arise from a common FIR, hence they are amenable to be decided through a common verdict being made thereon.

2. Both the petitions have been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No. 69 dated 22.2.2023, under Sections 363, 366-A, 120-B IPC, registered at Police Station Model Town, District Hoshiarpur and all other consequential proceedings arising therefrom.

3. The brief facts of the present case are that the instant FIR was registered on the basis of the complaint made by complainant-respondent



No. 3 before the police to the effect that in the morning of 16.2.2023, her elder daughter i.e. the victim-respondent No. 2 had went to school and not returned back. They searched her but could not find her anywhere. Thereafter he came to know that from the last few days, Mehmoon Khatun and her daughter (petitioners in CRM-M-27192-2025) were calling his daughter at their house and they got acquainted her with their son Mohammad Mehtaz (petitioner in CRM-M-10453-2025). It was further alleged that all the above accused allured his daughter and got her eloped from the locality on the pretext of performing marriage. Subsequently, their neighbour Satrudhan had uploaded the photographs of his daughter and Mohammad Mehtaz on Facebook.

4. Learned counsel for the petitioners submits that the petitioner Mohammad Mehtaz and his family members have been falsely implicated in the present case by respondent No.3 who is the step-father of respondent No. 2. In fact, petitioner Mohammad Mehtaz and respondent No. 3 were having a consensual relationship, and on attaining the age of majority by the prosecutrix, they had performed marriage and have been happily residing together as husband and wife. Further, out of the said wedlock, a daughter was born on 19.5.2024. It has further been submitted that from the statement of the prosecutrix recorded under Section 164 Cr.P.C., the version of the complainant gets falsified. In the said statement, the prosecutrix has specifically stated that the motive behind the registration of the present FIR, is that her biological father had deposited a fixed amount for her. However, her mother and step-father had been demanding the said money and they also insisted her to marry some older person, due to which she ran from her house and went to the house of her grandfather namely Rajinder Kumar, who got performed the marriage of the prosecutrix with petitioner-



Mohammad Mehtaz. It is thus prayed that since the parties are happily married, therefore, the criminal proceedings that are looming large over the petitioner be quashed. In support of his contention, learned counsel places reliance on the joint affidavit of the petitioner and respondent No.3 and her brother annexed at Annexure P-5. He has placed reliance on a judgment passed by the Apex Court in ***Criminal Appeal No. 183 of 2014***, titled as ***Tilku alias Tilak Singh versus The State of Uttarakhand***, reported in ***2025 INSC 2026***. Further reliance has been placed on a judgment passed by this Court in ***CRM-M-59699-2024*** titled as ***Balwinder Singh Vs. State of Punjab and another.***”

5. Learned counsel for respondent No. 2-prosecutrix affirms that aforesaid submissions of learned counsel for the petitioner to be true.

6. *Per Contra*, learned counsel for the State objects to the prayer for quashing of the impugned FIR (Annexure P-1) and submits that grave, serious and specific allegations have been made against the petitioner by respondent No. 3-complainant, in view of which the present petition deserves to be dismissed.

7. On 14.5.2025, no one had put in appearance on behalf of respondent No. 3 despite service. Therefore, fresh notice was ordered to be issued upon respondent No. 3. As per office report, notice issued to respondent No. 3 has not been received back served or otherwise.

8. Heard the contentions advanced the learned counsel for the parties and perused the judicial file.

9. This Court while issuing notice of motion vide order dated 27.05.2025, directed for the recording of the statement of the victim before the Area Magistrate concerned with regard to the factum of her marriage with the petitioner-Mohammad Mehtaz.



10. Pursuant to the aforesaid order, report dated 16.07.2025 has been received from the Judicial Magistrate Ist Class, Hoshiarpur. A perusal of the said report reveals that statement of the victim-respondent No. 2 has been recorded in the present case, wherein she has stated she, having attained the age of majority, solemnized marriage with the petitioner-Mohammad Mehtaz on her free will and they are blessed with a female child and she is living happily with her husband and child. She has further stated that her step father and mother lodged false FIR against the petitioners.

11. In compliance to the order dated 27.05.2025, both the parties are present in Court today and duly identified by their respective counsels. Upon specific query from the Court, petitioner-Mohammad Mehtaz and respondent No. 2 affirm that they have solemnized marriage and are residing together happily since then. Respondent No. 2-prosecutrix made a submission to the effect that she does not wish for the criminal proceedings against the petitioners to continue.

12. The Hon'ble Supreme Court when faced with similar circumstances in ***Mafat Lal v. State of Rajasthan 2022(2) RCR (Criminal) 743***, quashed the FIR against the appellant therein by observing that:

“7. Before this Court, also the abductee has joined the accused as appellant No.2. Once again similar stand has been taken as was taken before the High Court . Both the appellants have filed separate affidavits. Appellant No.2 has specifically stated before the High Court as also before this Court that she had left her parental home on her own free volition. The appellants are married since December 2006 and have been living happily. They have also been blessed with a son in the year 2014 who would now be 8 years old. No fruitful purpose would be served by relegating the matter for conducting the trial as the same would not be conducive for either of the appellants. It would be a futile exercise. Kidnapping would necessarily involve enticing or taking away any minor under



eighteen years of age if a female for the offence under Section 363 IPC. In the present case, the abductee had clearly stated that she was neither taken away nor induced and that she had left her home of her own free will. Section 366 IPC would come into play only where there is a forceful compulsion of marriage, by kidnapping or by inducing a woman. This offence also would not be made out once the appellant no.2 the abductee has clearly stated that she was in love with the appellant no.1 and that she left her home on account of the disturbing circumstances at her parental home as the said relationship was not acceptable to her father and that she married appellant no.1 on her own free will without any influence being exercised by appellant no.1.

13. Reverting to present petitions, this Court is of the considered view that since petitioner-Mohammad Mehtaz and the prosecutrix-respondent No. 2 are now happily married and are blessed with a daughter, continuing with the criminal proceedings will cause undue harassment to the petitioners and as also to respondent No. 2.

14. As a fallout, both the present petitions are allowed and FIR No. 69 dated 22.2.2023, under Sections 363, 366-A, 120-B IPC, registered at Police Station Model Town, District Hoshiarpur and all subsequent proceedings arising therefrom are quashed qua the present petitioners.

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

(KIRTI SINGH)
JUDGE

July 23, 2025
Gurpreet Singh

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