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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-15235-2025 (O&M)**

Date of Decision : 27.05.2025

PARDEEP ALIAS PARDEEP KUMAR

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Hemant Hans, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

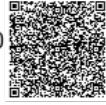
None for respondent No.2.

Mr. Neeraj Chauhan, Advocate for respondent No.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.198 dated 15.09.2023, registered at Police Station Alewa, District Jind, under Sections 363 & 366-A IPC and all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case based on the statement of respondent No. 2, who is the paternal uncle (*chacha*) of respondent No.3. It is alleged that the petitioner abducted the prosecutrix by luring and threatening her, and forcibly took her away. However, it is submitted that the petitioner and respondent No.3 belong to different castes, and their relationship was opposed by the family members of respondent No.3. Consequently, a false FIR was lodged against the petitioner. Learned counsel further submits that, in fact, the petitioner

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and respondent No.3 were in a consensual relationship and voluntarily solemnized marriage on 18.10.2024. They are presently residing together peacefully and happily. It is thus prayed that since the parties are happily married, therefore, the criminal proceedings that are looming large over the petitioner be quashed.

3. Learned counsel for respondent No.3 submits that, in compliance with the order of this Court dated 12.05.2025, an affidavit on behalf of respondent No.3 has already been filed and is annexed as Annexure A. He further supports the submissions made by the learned counsel for the petitioner. The said affidavit dated 19.05.2025 reads thus:-

"1. That at the outset it is submitted that deponent has no objection if the present FIR No. 198 dated 15.09.2023 registered at Police Station Alewa, District Jind for offences punishable under Section 363, 366-A IPC and all subsequent proceedings arising therefrom be quashed.

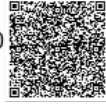
2. That it is humbly submitted that the deponent is married to petitioner on 18.10.2024 when she was major at Shri Radha Krishan Mandir Thakar Basti, Fatehabad as per consent and in accordance with Hindu rituals and ceremonies. That the marriage certificate dated 18.10.2024 (Annexure P-2) annexed with the petition is correct and therefore admitted.

3. That the marriage between the petitioner and deponent has been solemnized with their sweet will and without any fear, force, coercion and undue pressure.

4. That after marriage the petitioner and deponent are living a happy married life and deponent has no objection if the present FIR is quashed.

5. That it is further submitted that allegation made in the present FIR is totally false and frivolous, petitioner has no concern with the allegation mentioned in FIR. It shall imperative to state that petitioner and deponent was having love affair and residing in the same village. It is also pertinent to mention here that petitioner and deponent belongs to different caste and parents of the deponent were against their marriage and want to marry deponent with someone else against the wish and will of deponent.

6. That in view of above submission, the present petition is deserved to be allowed and FIR No. 198 dated 15.09.2023 registered at Police Station Alewa, District Jind for offences punishable under Section 363, 366-A IPC and all subsequent proceedings arising therefrom be quashed in the interest of justice."



4. Per contra, learned State counsel, while opposing the present petition submits that grave and serious allegations are levelled against the petitioner. He further draws attention to Annexure R-1, which is the birth certificate of the victim, indicating her date of birth as 23.07.2006. Therefore, in view of this, present petition deserves to be dismissed.

5. Despite service being effected upon respondent No.2, there is no representation on his behalf.

6. In compliance to the order dated 12.05.2025, both the parties are present in Court today and duly identified by their respective counsel. On a specific query being asked, petitioner and respondent No.3 affirms that they have solemnized marriage on 18.10.2024 and residing happily since then. Respondent No.3/prosecutrix made a submission to the effect that she does not wish for the criminal proceedings against the petitioner to continue.

7. 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

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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.”

8. Reverting to present petition, this Court is of the considered view that since petitioner and the prosecutrix-respondent No. 3 are now happily married, continuing with the criminal proceedings will cause undue harassment to the petitioner and as also to respondent No.3.

9. As a fallout, the present petition is allowed and FIR No.198 dated 15.09.2023 under Sections 363 & 366-A IPC registered at Police Station Alewa, District Jind and all subsequent proceedings arising therefrom are quashed qua the present petitioner.

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

27.05.2025

Kavita

**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No