



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

120+258

**CRM-M No.18321 of 2025
Date of decision: 05.08.2025**

RAVI

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Balvinder Sangwan, Advocate, Mr. Savreet Brar, Advocate
and Mr. Krishna Maurya, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Shivam Grover, Advocate for respondent No.2.

KIRTI SINGH, J. (oral)
CRM-30305-2025

Application is allowed as prayed for.

Annexures R-2/1 and R-2/2 are taken on record.

Main case

1. The instant petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) for quashing of the FIR No.56 dated 16.05.2020, registered under Sections 452 and 506 of IPC and Section 6 of POCSO Act, at Police Station Ballabhgarh, District Faridabad along with all the subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the basis of statement of the prosecutrix. The true factual aspect, however, is that the petitioner, was well



known to the prosecutrix-respondent No.2, being her neighbour. It was only under the pressure of parents of respondent No.2 that the instant FIR was got lodged. It is submitted that both the petitioner and respondent No.2 were minor at the time of the alleged occurrence. However, after attaining majority, they solemnized marriage on 30.10.2023. Reliance in this regard is placed on copy of the marriage certificate annexed as Annexure P-4. It is also pointed out that prior to their marriage, the parties had also resided together for a period of about six months in a live-in-relationship, and had also executed a deed to that effect, wherein it was stated on affidavit by both the parties that they had known each other for a long time and were in a consensual relationship. Reliance is also placed on the affidavit of respondent No.2 (Annexure R-2/1) wherein she has deposed that she is the lawfully wedded wife of the petitioner and, has no objection in case, the FIR lodged against the petitioner is quashed. Learned counsel submits that the parties are a happily married couple, and are in family way, expecting their first child together. In these circumstances, continuing with the criminal proceedings against the petitioner would not only amount to travesty of justice, but would also cause immense mental agony to respondent No.2. To buttress his submissions, learned counsel has placed reliance on the judgments passed in ***K. Dhandapani v. The State by the Inspector of Police (SC), 2022(2) R.C.R. (Criminal) 987***, and ***XX v. State of Kerala (Kerala HC) 2025(3) KLT 105***, and ***Mukesh Kumar Yadav v. State of NCT of Delhi (Delhi HC) 2024 (314) DLT 708***, and ***Manjit Singh @ Mani vs. State of Punjab and others (PHHC), CRM-M-5292-2025***.

3. Learned counsel appearing for respondent No.2 has not controverted the submissions made by the learned counsel for the petitioner. It is confirmed that



respondent No.2 is happily married with the petitioner and does not wish for any action to be taken against him. The genuineness of the affidavit of the prosecutrix/respondent No.2 made to that effect is also not disputed.

4. Learned State counsel, while relying upon the contents of the status report dated 13.06.2025 filed by way of affidavit of Assistant Commissioner of Police, Tigaon, Faridabad, submits that serious and specific allegations were levelled against the present petitioner, in view of which, no relief must be granted to him.

5. Both the parties are present in person in Court today. They admit the factum of marriage between them, and pray that the present FIR be quashed.

6. Heard.

7. Most recently, in the case of ***Mahesh Mukund Patel vs. State of U.P. and ors., Criminal Appeal No.001005/2025*** decided on 28.02.2025, the Hon'ble Supreme Court under similar circumstances, quashed an FIR against the appellant therein, instituted under Sections 354A, 363, 366, 376 of IPC and Sections 3 and 4 of POCSO Act, by holding that since the parties were happily married, no purpose would be served by continuing the prosecution, and it would only cause undue harassment to the parties and their children.

8. Similarly, 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...”

9. 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 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.”

10. 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, 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.”

11. Reverting to present petition, this Court is of the considered view that since the petitioner and respondent No.2 are now happily married and also expecting a child, continuing with the criminal proceedings will cause undue harassment to the petitioner and also to respondent No.2 and their child.

12. As a fallout, the present petition is allowed and FIR No.56 dated 16.05.2020, registered under Sections 452 and 506 of IPC and Section 6 of POCSO Act, at Police Station Ballabhgarh, District Faridabad and all



CRM-M No.18321 of 2025

-6-

subsequent proceedings arising therefrom are quashed qua the present petitioner.

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

05.08.2025
Jyoti-IV

(KIRTI SINGH)
JUDGE

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