



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

(250)

CRM-M-18306-2025 (O&M)

Date of Decision: 28.5.2025

Sahil

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kartar Singh Malik, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

None for respondents No. 5 and 6.

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No. 0068 dated 18.2.2025, under Sections 137 and 96 of Bharatiya Nayaya Sanhita, 2023 (for short '*BNS*'), registered at Police Station Bhiwani Sadar, District Bhiwani and all other consequential proceedings arising therefrom.

2. Since on the last date of hearing, when no when has put in appearance on behalf of respondents No. 6 and 7, thereupon this Court passed an order that if there is no representation on behalf of respondents No. 6 and 7 on the next date of hearing, the latter shall be proceeded ex parte.

3. Therefore, respondents No. 6 and 7 are ordered to be proceeded against *ex parte*.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR on the complaint made by the



uncle of the prosecutrix (respondent No. 6 herein) alleging therein that the petitioner abducted the prosecutrix by alluring her. Learned counsel further submits that when the private respondents were pressurizing the prosecutrix to marry her against her wishes, thereupon she left her house on 17.2.2025 and went alone in the festival of Kumbh at Uttar Pradesh. Thereafter on 25.2.2025, she along with the petitioner went to Delhi and on 26.2.2025, they had solemnized marriage. Furthermore, it is submitted that after solemnizing the marriage, the petitioner approached the Superintendent of Police, Rohtak, who got recorded their statements, and kept them in Protection House for seven days. It is also submitted that the prosecutrix had also moved an application (Annexure P-5) before Superintendent of Police, Bhiwani with regard to protection of her life and liberty. It is thus prayed that since the parties are happily married, therefore, the criminal proceedings that are looming large over the petitioner be quashed.

5. Per contra, the learned State counsel opposes the instant petition and files status report by way of an affidavit of Deputy Superintendent of Police, Head Quarter, Bhiwani, Haryana, which is taken on record. Para 7 of the status report is reproduced hereinafter.

“7. That during investigation on 08.03.2025, facts of marriage between the present petitioner and niece of complainant namely Vintee and their stay in Safe House at Rohtak came to light. After that said safe house was visited from where niece of complainant namely Vintee was recovered. Vintee produced copies of her marriage certificate, 10th class mark sheet and aadhar card which were taken into possession. Vintee refused for her medical examination. Statement of Vintee under section 183 of BNSS got recorded from the court of Ld. Area Magistrate, Bhiwani in which she stated that on 17.02.2025 at about 5:00 pm she left her home. She went to Prayagraj by train and for some days explored that city. On 26.02.2025, she met the present petitioner at Nizamuddin station



near Delhi and on same day both of them performed marriage in Arya Samaj Temple with their consent. From that day she is residing with the present petitioner and she wants to go to his home. She does not want to meet her family members. Statements of witnesses under section 180 of BNSS were recorded. True translated copy of statement under section 183 of BNSS is annexed herewith as Annexure R-1.”

6. Both the parties are present in Court. After this Court interacting with both the parties, they submit that they have performed marriage and are residing happily together.

7. 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...”

8. 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.”

9. ***In Sonu @ Sunil vs. State of NCT of Delhi and others,***



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.”

10. Reverting to present petition, this Court is of the considered view that since the petitioner and the prosecutrix are now happily married, therefore, continuing with the criminal proceedings will cause undue harassment to the petitioner, as also to the prosecutrix.

11. As a fallout, the present petition is allowed and FIR No. 0068 dated 18.2.2025, under Sections 137 and 96 BNS, registered at Police Station Bhiwani Sadar, District Bhiwani and all other consequential proceedings arising therefrom are quashed qua the petitioner.

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

(KIRTI SINGH)
JUDGE

May 28, 2025
Gurpreet Singh

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