



CRM-M-64939-2024(O&M)

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

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CRM-M-64939-2024(O&M)
Date of Decision: 03.07.2025

Kasif

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Chirag Suri, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court has been invoked under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, for quashing the FIR No.529 dated 23.07.2022, under Sections 376(2)(N), 506 IPC, Section 6 of POCSO Act and Section 3 of SC/ST Act (later on Sections 363, 366 IPC, Section 5(1) of POCSO and Section 3(a) of SC/ST Act were added), registered at Police Station City Panipat.

2. The brief facts emerging from the judicial record as necessary for the adjudication of the present petition are that the wheels of criminal justice system were set in motion after a written complaint was moved by the complainant/ respondent No.3. Subsequently respondent No.2 got



married to the petitioner on 30.10.2023 in Nayagaon, S.A.S. Nagar, Mohali as per Muslim rites and rituals.

3. Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in this case on the complaint made by respondent No.3. The petitioner and respondent No.2 were known to each other from the last one and a half year and were in a relationship. However the present FIR was registered when respondent No.3 came to know of the same. It is further submitted that while the petitioner was released on bail, the prosecutrix attained majority and the parties duly solemnized marriage on 30.10.2023, reference in which regard is made to the marriage certificate as Annexure P-3. The matter also stands compromised between the petitioner and the complainant-respondent No.2 and 3, as is evident from the compromise deed dated 28.11.2022 and 13.02.2023 (Annexures P-5 and P-6, respectively). It is submitted that the present FIR is a classic example of the abuse of process of law, and keeping it alive will only cause undue hardships in the otherwise happy and peaceful life of the petitioner and respondent No.2. It is therefore prayed that the present FIR against the petitioner be quashed, for which, reliance is also placed on the judgments passed in **Mahesh Mukund Patel vs. State of U.P. and others**, Criminal Appeal No. 001005 vs. 2025; **Shriram Urav vs. State of Chhattisgarh**, Criminal Appeal No.(s) 41/2021; **Shiva Chanappa Odala vs. State of Maharashtra and another**, Writ Petition No. 1366 of 2022; **Avdhesh Kumar vs. State of Rajasthan, Through Public Prosecutor and others**, S.B. Criminal Miscellaneous (Petition) No./901/2023.



4. Learned counsel appearing for the respondent No.'s 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.

5. Per contra, learned State counsel, while opposing the present petition submits that grave and serious allegations are levelled against the petitioner. The provisions for which the petitioner is under trial are not only offences against the prosecutrix, but also offences against the society, and therefore, the present petition deserves to be dismissed.

6. Heard the contentions advanced and perused the record with their able assistance.

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 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.”

10. Most recently, the Orissa High Court in *Fayazuddin Khan@Badal Khan vs. State of Odisha & Others, CRLMC No.3850 of 2024, decided on 04.03.2025*, gave parallel insights while quashing criminal proceedings against the petitioner in a case based on identical facts.

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

12. As a fallout, the present petition is **allowed** and FIR No.529 dated 23.07.2022, under Sections 376(2)(N), 506 IPC, Section 6 of POCSO Act and Section 3 of SC/ST Act (later on Sections 363, 366 IPC, Section 5(1) of POCSO and Section 3(a) of SC/ST Act were added), registered at



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Police Station City Panipat, and all subsequent proceedings arising therefrom are quashed qua the present petitioner **subject to payment of Rs.20,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh** within a period of one month.

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

(KIRTI SINGH)
JUDGE

03.07.2025
Kapil

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No