



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

252

CRM-M-19479-2026

Date of Decision: 18.05.2026

FARUKH KHAN

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE KIRTI SINGH

Present: Mr. Pardeep Panwar, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Vishal Malik, Advocate for respondent No.2.

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. 768 dated 21.09.2023, under Sections 365, 376(2)(n), IPC and Section 6 of the POCSO Act, registered at Police Station Karnal City, District Karnal and all other consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case by respondent No.2, who is the mother of the prosecutrix-respondent No. 3. In fact, the petitioner and respondent No. 3 were well known to each other. They have also solemnized marriage and have been happily residing together as husband and wife. Further, they have also blessed with a girl child. It is also submitted that in her statement recorded under Section 164 Cr.P.C., the prosecutrix admitted



her relationship with the petitioner. Moreover, during counselling, she admitted that she wanted to live with the petitioner. 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 submissions, the learned counsel for the petitioner has placed reliance on the judgment passed by the Hon'ble Supreme Court in Criminal Appeal No.001005 of 2025 (arising out of Special Leave Petition (Crl.) No.492 of 2025) titled as Makesh Mukund Patel Vs. State of U.P. and others

3. Learned counsel for respondents No.2 and 3 does not controvert the submissions made by the learned counsel for the petitioner and submits that respondent No.3 is happily married with the petitioner and does not wish for any action to be taken against him, and pray that in view of the same, the present FIR be quashed.

4. 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, therefore, the present petition deserves to be dismissed.

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

6. Vide order dated 22.04.2026, this Court had directed the petitioner and the prosecutrix/respondent Nos.2 and 3 to appear before the learned Illaqa Magistrate/Duty Magistrate to record their statements with respect to their marital status. Pursuant thereof, a report dated 08.05.2026 from Addl. Sessions Judge, Karnal has been received. A perusal of the said



report reveals that statements of the complainant and prosecutrix-respondent No.3 has been recorded in the present case, wherein she has stated that she has solemnized marriage with the petitioner on her free will and she is living happily with her husband and children. Similar was the statement of the petitioner, who stated that he happily married to the prosecutrix. Complainant-respondent No.2 also recorded his statement to this effect and admits the aforesaid factum.

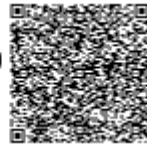
7. The Hon'ble Supreme Court in ***K. Dhandapani vs. The State by the Inspector of Police, Criminal Appeal No. 796 of 2022***, though explicitly held for the judgment to not be treated as a precedent, set aside the conviction and order of sentence of the maternal uncle of the prosecutrix who had married 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 prosecutrix-respondent No.3 are now happily married and also have been blessed with two children, continuing with the criminal proceedings will cause undue harassment to the petitioner and also to respondent No.3 and their child.

11. Resultantly, the present petition is allowed and FIR No. 768 dated 21.09.2023, under Sections 365, 376(2)(n), IPC and Section 6 of the POCSO Act, registered at Police Station Karnal City, District Karnal and all other consequential proceedings arising therefrom are quashed qua the petitioner(s).

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

(KIRTI SINGH)
JUDGE

May 18, 2026

Nisha-1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No