



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

(260)

CRM-M-26083-2026

Date of Decision: 26.5.2026

Asif

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Safraj Anjum Mor, Advocate  
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Rajesh Tushar, Advocate for  
Mr. Nafees Kamruddin, Advocate  
for respondent No. 3.

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**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.71 dated 25.04.2025, under Sections 137(2), 96 of BNS, 2023, (Sections 363, 366A IPC), registered at Police Station Dhauj, District Faridabad along with all the subsequent proceedings arising therefrom, including the final report/challan submitted under Section 193 BNSS (Section 173 Cr.P.C.) dated 15.05.2025 (Annexure P-5).

2. The brief facts of the case are that the present FIR was registered against petitioner on the statement of respondent No. 2, alleging therein that her daughter (respondent No. 3 herein) had left the house with their neighbour i.e. the present petitioner.

3. On 08.5.2026, following order was passed by this Court:-

“x x x x

*Learned counsel for the petitioner inter alia submits that the*



*petitioner has been falsely implicated in the instant case on the statement of the mother of the prosecutrix. It is submitted that both the petitioner and the prosecutrix belonged to the same age bracket, and were well-acquainted with each other. However, their association was opposed by the complainant side. It is submitted that on the date of the alleged occurrence, the prosecutrix had in fact left her home voluntarily, without there being any inducement or pressure by the petitioner. The two thereafter, voluntarily solemnized nikah with each other on 20.04.2025. Apprehending a threat to their safety, the couple had also sought protection from this Court, vide CRWP No.4327 of 2025, which was decided on 29.04.2025. Learned counsel further submits that these facts were reiterated by the prosecutrix, in her statement recorded under Section 183 BNSS, wherein she also categorically stated that no wrong act had been done with her by the petitioner. The prosecutrix also did not support the case of the prosecution in her testimony before the trial Court, and was declared hostile. Reliance in this regard is placed on Annexures P-4 and P-6 respectively. It is submitted that under these circumstances, continuation of criminal proceedings against the petitioner would amount to gross abuse of process of law.*

*Notice of motion.*

*Ms. Saumya Ahluwalia, Senior DAG, Haryana waived service on behalf of respondent No.1-State.*

*Mr. Nafees Kamruddin, Advocate has filed his vakalatnama on behalf of respondent No.3, which is taken on record. He has not disputed the averments made by the learned counsel for the petitioner. The victim/respondent No.3 is also present in person and submits that she voluntarily left her home and solemnized marriage with the petitioner, with whom she is now leading a happy and peaceful matrimonial life.*

*Learned State counsel is directed to file the status report.*

*Adjourned to 26.05.2026.”*

4. Learned counsel for the petitioner submits 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.***

5. Learned counsel for respondents No. 2 and 3 does not controvert the submissions made by the learned counsel for the petitioner. He submits that respondent No. 3 is happily married with the petitioner . Therefore, the private respondents do not wish for any action to be taken against the petitioner.

6. *Per contra*, the learned State counsel opposes the present petition, and submits that in view of the serious allegations levelled against the petitioner, the instant petition deserves to be dismissed.

7. Heard the contentions advanced by the learned counsel for the parties and perused record with their able assistance.

8. Status report by way of affidavit of Assistant Commissioner of Police, Mujesar, District Faridabad has been filed by the State, which is taken on record. Along with the status report, the statement of the prosecutrix recorded under Section 183 of BNSS, has been annexed.

Relevant para of the said statement is reproduced as under:-

*“I left my house on 24.4.2025 at 9.00 A.M. I went to Chandigarh with Asif. For 1 year, I am friends and love Asif. I married Asif on 24.4.2025 and after that got married in Court in Chandigarh. After that we stayed in a hotel in Chandigarh. Then returned 5 days before and stayed in Ballabgarh hotel. Then the police caught us. I married Asif of my own free will. I left my house of my own free will and went with Asif. Now I want to go with my husband Asif. And till now there has been no physical relations between me and Asif because we wanted our family to accept our marriage. And I do not want to take any action against my husband Asif.”*

9. 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...”

10. 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.”

11. 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.”

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

13. Resultantly, the present petition is allowed and FIR No.71 dated 25.04.2025, under Sections 137(2), 96 of BNS, 2023, (Sections 363, 366A IPC), registered at Police Station Dhauj, District Faridabad along with all the subsequent proceedings arising therefrom, including the final report/challan



submitted under Section 193 BNSS (Section 173 Cr.P.C.) dated 15.05.2025 (Annexure P-5), are quashed qua the petitioner.

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

**(KIRTI SINGH)**  
**JUDGE**

**May 26<sup>th</sup>, 2026**  
Gurpreet Singh

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