

**CRM-M-2655-2024 (O&M)****1**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-2655-2024 (O&M)**

Date of Decision : 08.05.2025

Navneet Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent:-. Ms. Jasneet Mehra, Advocate
for the petitioners

Mr. Brijesh Sharma, AAG Haryana

Mr. Satvinder Singh, Advocate
for respondent No. 3

KIRTI SINGH, J.(Oral)**CRM-14813-2025**

This is an application for placing on record affidavit of respondent No. 3.

For the reasons mentioned in the application, the same is allowed and affidavit of respondent No. 3 is taken on record.

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1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 014 dated 27.06.2021 registered under Section 6 of POCSO Act at Police Station Naraingarh, District Ambala along with all the subsequent proceedings arising therefrom.

2. Learned counsel for the petitioners submits that the petitioners had



been falsely implicated in the present FIR on the complaint made by the prosecutrix (respondent No. 3 herein) alleging that petitioner No. 1 had established physical relationship with her on various occasions. Petitioners No. 2 and 3 are the parents of petitioner No. 1. Learned counsel submits that petitioner No. 1 and the prosecutrix were known to each other, as was admitted by the prosecutrix in her complaint. Due to them belonging to different castes, their relationship was opposed by the family of respondent No. 3, whereafter this false FIR was registered. However, now the conflict stands resolved between the parties and even petitioner No. 1 and respondent No. 3 solemnized marriage on 02.05.2022, after respondent No. 3 turned major, as her date of birth is 03.07.2003. Even since, both parties are residing happily together as husband and wife and respondent No. 3 does not want to take any action against the petitioners. The parties also have a child from their wedlock, who is less than a year old. Learned counsel for the petitioners submits that respondent No. 3 has also filed an affidavit to this effect. The said affidavit dated 04.04.2025 reads thus:-

- 1. That the deponent as well as petitioner No.1 Navneet Kumar are husband and wife as they got married on 02.05.2022 with their own sweet will against the wishes of the family of the deponent.*
- 2. That though the deponent and petitioner No.1 belong to different castes. However, since they knew each other since long, they started liking each other and decided to settle in life as husband and wife.*
- 3. That when the family of the deponent came to know about their closeness to each other, an FIR was registered at the instance of mother of the deponent, on 27.06.2021 vide FIR No.14 registered at Police Station Naraingarh, District Ambala, at that point of time, the deponent was 17 years, 11 months and 25 days old.*
- 4. That the deponent and the petitioner No.1 after their marriage on 02.05.2022 are living together at the house of petitioner No.1 and the deponent is living a happy married life.*



3. This Court, after receiving her reply filed by way of an affidavit of Sh. Aryan Chaudhary, HPS, Deputy Superintendent of Police, Naraingarh, District Ambala, whereby it was stated that petitioner No. 1 and prosecutrix had solemnized marriage on 02.05.2022 and were jointly residing in village Hussaini, Tehsil Naraingarh, District Ambala, directed the parties to appear before the Illaqa Magistrate for recording of their statements vide order 01.04.2024. Thereafter, report of Additional Sessions Judge, Fast Track, Special Court under POCSO Act, Ambala dated 03.05.2024 was received, a perusal of which reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

4. Further, on verifying the factum of marriage petitioner No. 1 and respondent No. 3, another status report, by way of an affidavit of Sh. Suraj Chawla, HPS, Deputy Superintendent of Police, Naraingarh, District Ambala has been filed in the Court today. The same is taken on record. In the status report, the following has been stated:

6. That the local police find that the petitioner No. 1 and the respondent No. 3 are living together at the residence of petitioner in Village Husaini, Tehsil Naraingarh, District Ambala. The local police have recorded the statement of the petitioner No. 1 and the respondent No. 3 who also stated that they are living together as husband and wife and they have a six months child also. In this regard, the local police have recorded the statements of the Village Sarpanch namely Ms. Rekha Devi, and Village Panch Sh. Ram Chander who has duly stated that the petitioner No. 1 and the respondent No. 3 are living together as husband and wife and they



have a six months old son. The respondent no. 3 and the petitioner no. 1 have also confirmed this fact and suffered their statements in this regard. The true translation of the statements of village Sarpanch, Panch, respondent No. 3 and the petitioner no. 1 are annexed herewith as (Annexure R-1 to Annexure R-4). The copy of marriage certificate of the marriage between Petitioner No. 1 and the respondent No. 3 was taken into police custody. The true translation of the Marriage Certificate is annexed herewith as (Annexure R-5).”

5. 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...”

6. 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.”

7. 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



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therefrom.”

8. Reverting to present petition, this Court is of the considered view that since petitioner No. 1 and the prosecutrix-respondent No. 3 are now happily married and also have a child from their wedlock, continuing with the criminal proceedings will cause undue harassment to the petitioners, as also to respondent No. 3 and the new born child.

9. As a fallout, the present petition is allowed and FIR No. 014 dated 27.06.2021 registered under Section 6 of POCSO Act at Police Station Naraingarh, District Ambala and all other consequential proceedings arising therefrom are quashed qua the petitioners ***subject to the costs of Rs. 20,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within one month.***

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

08.05.2025

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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No