



CRM-M-3506-2025 (O&M)

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

(121+249)

CRM-M-3506-2025 (O&M)
Date of Decision:-03.09.2025.

Sandeep Kumar

.....Petitioner

Versus

State of U.T., Chandigarh and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sohrab Dhanda, Advocate for the petitioner.

Mr. Rahil Mahajan, Addl. P.P., U.T., Chandigarh.

Mr. Amandeep Sharma, Advocate for
Mr. Sukhdeep Mann, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

1. The present petition is for quashing of the FIR No.323 dated 19.10.2019 (Annexure P-1) under Section 376 (3) of IPC, and Section 6 of the POCSO Act, 2012, registered at Police Station Central, Sector 17, Chandigarh and all consequential proceedings arising therefrom.

2. On 24.07.2025, following order was passed by this Court:-

“The present petition has been filed seeking quashing of FIR No. 323 dated 19.10.2019 (Annexure P-1) under Section 376(3) IPC and Section 6 of the POCSO Act, registered at Police Station Central Sector, District Chandigarh and all consequential proceedings arising therefrom.



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Learned counsel for the petitioner submits that during the interregnum, the petitioner and the prosecutrix have, in fact, solemnized the marriage and it was a case of adolescence love and age of the prosecutrix is also almost 18 years. It is further submitted that no useful purpose would be attained by proceeding in the matter and rather it would hamper their congenial married life.

*Learned counsel for the petitioner further relies upon the judgment passed by Hon'ble Supreme Court in case titled as "**Madhukar and others Vs. State of Maharashtra and another**", 2025 (3) RCR (Criminal) 625, where the Hon'ble Apex Court has held that the powers of the Court under Section 482 Cr.P.C. are to secure the ends of justice and are not constrained by a rigid formula.*

Learned counsel for the petitioner submits that the factual matrix of the present case squarely covers the case of the petitioner and the trial in the said FIR be also stayed.

Learned counsel for the U.T. Chandigarh as well as respondent No. 2 prays for some time to go through the said judgment and assist the Court.

Adjourned to 03.09.2025."

3. Learned counsel for U.T., Chandigarh, fairly submits that in the present set of circumstances where the prosecutrix and the accused have solemnized marriage and are leading a happy married life, the inherent powers of this Court can be exercised to quash the FIR.

4. Considering the above, the present petition is allowed. FIR No.323 dated 19.10.2019 (Annexure P-1) under Section 376 (3) of IPC, and Section 6 of the POCSO Act, 2012, registered at Police Station Central,



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Sector 17, Chandigarh and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

5. It is made clear that this order shall not be used as a precedent in any manner whatsoever.

6. In the peculiar facts and circumstances of the present case, the petitioner is directed to get his presence marked once in every 03 months before the Police Station Central, Sector 17, Chandigarh and the authorities shall ensure the well-being of respondent No.2 by taking some cogent evidence. This exercise shall be carried out for a period of one year from today.

6. Pending miscellaneous application(s) shall stand disposed of.

(ALOK JAIN)
JUDGE

September 03, 2025.

S. Sethi

Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No