



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

**CRM-M-35194-2025 (O&M)
Date of Decision: 08.07.2025**

NARESH

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhupender Singh, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Vishal Goel, Advocate
for respondent No. 3.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') seeking quashing of FIR No. 344 dated 01.06.2025 registered under Section 127(6) of Bhartiya Nyaya Sanhita, 2023 at Police Station Shahbad District Kurukshetra and all consequential proceedings arising therefrom.

2. That brief facts of the case are that the petitioner and respondent No. 3 were in love affair with each other. Respondent No. 3 was already married with respondent No. 2 and she had three children i.e. two daughters and one son, who are presently living with the respondent No. 2. Respondent No. 2 is habitual to consuming drugs and giving beatings to respondent No. 3 and also thrown her out of the matrimonial home. Further respondent No.3 is relative to the petitioner and petitioner being relative used to visit the house of respondents No. 2 and 3, where the respondent No. 3 had disclosed her condition to the petitioner. Respondent No. 3 is major in age whose date of birth is 08.12.1994. Respondent No. 3 has informed her parents and brothers about the said acts of respondent No. 2, but her parents and brothers did not



pay any head to her pleas. Thereafter, petitioner and respondent No.3 have decided to stay in live-in relationship with each other and are staying in live in-relationship as per their own free will and wishes. Respondent No. 3 also gave an affidavit dated 20.03.2025 (Annexure P-2) stating that she is living with the petitioner as per her own free will and without any pressure. She disclosed everything about her marriage and children in her affidavit and stated that she does not want to live with respondent No. 2/husband and living in-relationship with the petitioner as per her own free will. She further stated in her affidavit that she has left the company of respondent No. 2/husband due to his bad habits and she also left the children with her husband. FIR(supra) has been filed by respondent No. 2/husband of respondent No. 3, stating therein that petitioner has allured his wife and took her away with him.

3. Learned counsel for the petitioner at the outset submits that he would be satisfied if a direction is issued to the jurisdictional police authorities to take into consideration the affidavit dated 20.03.2025 (Annexure P-2) filed by the respondent No. 3, before preparation of the final report under Section 193 of BNSS (erstwhile Section 173 of Cr.P.C.)

4. Notice of motion.

5. On receipt of advance notice, Ms. Geeta Sharma, DAG Haryana, who is present in the Court accepts notice on behalf of respondent No. 1-State and submits that she has no objection in case, the Investigating Officer is directed to consider all the documents which are annexed with the present petition before preparing a final report under Section 173 Cr.P.C.

6. At this stage, Mr. Vishal Goel, Advocate puts in appearance on behalf of respondent No. 3 and files his power of attorney in the Court today



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which is taken on record. Registry is directed to tag the same at an appropriate place in the file.

7. The matter is taken up for final disposal with the consent of the parties. Keeping in view the aforesaid facts and circumstances, the present petition is disposed of with a direction to the Investigating Officer to consider all the documents which are annexed with the present petition before preparing a final report under Section 173 of Cr.P.C.

8. It is clarified that in case a final report under Section 193 of BNSS (erstwhile Section 173 of Cr.P.C.) is against the petitioner, the petitioner would be at liberty to file a fresh petition to challenge the FIR as well as the final report under Section 193 of BNSS.

08.07.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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