



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 3075/2023

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Purshottam Kumar S/o Bherulal, R/o Lal Bai Mohalla, Mangrol, District Baran, Rajasthan.
3. Victim, D/o Purshottam Kumar, R/o Lal bai Mohalla, Mangrol District Baran, Rajasthan

----Respondents

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For Petitioner(s) : Mr. Abhishek B. Sharma, Adv.  
For Respondent(s) : Mr. Atul Sharma, PP  
Mr. Shantanu Gupta, Adv.

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**HON'BLE MR. JUSTICE BIRENDRA KUMAR**

**Order**

**31/05/2023**

Prayer is for quashing of FIR No.129/2021 registered with Police Station Maangrol, Baran for offence under Section 363 of IPC, however cognizance has been taken under Sections 366, 376, 376(2)(n) and Section 5(1)(j)(ii) and Section 6 of The POCSO Act.

According to FIR, the minor girl of the informant left house on 11.04.2021 along with her friend, thereafter she did not return. It was suspected that she was induced to go. On 09.03.2022 the statement of the victim was recorded under Section 164 of Cr.P.C. She stated that she was in love with the petitioner and she left the house along with the petitioner to marry. Thereafter, they married



in a temple and thereafter with her consent physical relation between the two was established.

Learned counsel for the petitioner submits that the petitioner and the victim were blessed with a child also. In identical facts and circumstances of the case, to protect the matrimonial life, a bench of this Court quashed the FIR to prevent abuse of the process of law.

The order passed in **Tarun Vaishnav Vs. State of Rajasthan & Anr. reported in 2022 SCC OnLine Raj 2237** was challenged in the Hon'ble Supreme Court in SLP (Criminal) No.1890/2023 and Leave to Appeal was refused by order dated 03.03.2023.

Considering the fact that the victim had never alleged that she was forcefully kidnapped. No physical relation was with the petitioner when she was a minor. The two have already married and are having a child. In the circumstance, continuance of criminal proceedings would be an abuse of the process of law.

Hence, aforesaid FIR and the entire criminal proceedings arising out of the said FIR stands hereby quashed and the instant petition is accordingly allowed.

Pending application, if any, stands disposed of.

(BIRENDRA KUMAR),J

Ashwani/-96