



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1480 OF 2026
(Arising out of SLP(Crl.) No.14077 of 2025)

AYYUB MALIK AND ANOTHER **...APPELLANTS**

VERSUS

STATE OF UTTARAKHAND
AND ANOTHER **...RESPONDENTS**

J U D G M E N T

N.V. ANJARIA, J.

Leave granted.

Aim of all legal proceedings is to arrive at justice, a meaningful and substantive. In some cases, the justice is done by bringing home the outcome in accordance with law, whereas in some matters, the action in law would deserve to be halted soon and terminated discontinuing the process, yielding to the legitimate demand of facts and warrant of circumstances.

2. Heard learned counsel Mr. P.V. Yogeswaran along with learned advocate-on-record Mr. Ashish Kumar Upadhyay appearing for the appellants and learned counsel Ms. Saakshi Singh Rawat along with learned advocate-on-record Mr. Sudarshan Singh Rawat for the respondents.

2.1 Ayyub Malik-appellant No.1 herein and Shahzadi-appellant No.2 herein, who are husband and wife, have filed this appeal addressing the challenge to judgment and order dated 19.06.2025 passed by the High Court of Uttarakhand at Nainital, whereby the High Court dismissed Criminal Misc. Application No.566 of 2021 filed by appellant No.1, which was an application under Section 482 of the Code of Criminal Procedure, 1973¹ seeking to quash the charge-sheet, summoning order and the proceedings of Criminal Case No.10 of 2021.

3. First Information Report² No.0239 of 2020 came to filed on 01.06.2020 at Gangnahar Police Station, Haridwar by the complainant-respondent No.2 herein, who happens to be the father of appellant No.2. The complainant's case in the FIR was that his daughter named Shehzadi-appellant No.2 whose age was stated to be 17 years, went missing from the house on 24.05.2020 at around 6 o'clock. Despite strenuous search, the daughter was not found. The complainant stated that he was informed by one Vaseen Sakur that he saw Shehzadi going with Ayyub Malik-appellant No.1 of village Saliyar. It was

¹ Hereinafter, "Cr.PC."

² Hereinafter, "FIR".

alleged in the FIR that appellant No.1 enticed the daughter of the complainant and took her away.

3.1 The Competent Court took cognizance on 07.01.2021 and appellant No.1 was charge-sheeted for the offences punishable under Sections 363, 368, 376(2)(d) of the Indian Penal Code, 1860³ as well as under Sections 5(8) and 6 of the Protection of Children from Sexual Offences Act, 2012⁴. The said FIR resulted into filing of Criminal Case No.10 of 2021 registered with the Court of learned Additional District & Sessions Judge/Special Judge, POCSO, Haridwar⁵.

3.2 Appellant No.1 filed Criminal Misc. Application No.566 of 2021 before the High Court under Section 482 of the Cr.PC. seeking to get the said criminal proceedings quashed.

3.3 What was submitted before the High Court by appellant No.1 was *inter-alia* that he and the daughter of respondent No.2, that is the complainant, had married on 29.05.2020, before lodging of the FIR on 01.06.2020. The High Court reasoned that since the State had stated in its counter affidavit that the victim was minor at the time of alleged incident and

³ Hereinafter, "IPC".

⁴ Hereinafter, "POCSO Act".

⁵ Hereinafter, "trial court".

that the submissions raised on behalf of the applicant could not be considered without leading of evidence, refused to quash the proceedings.

3.4 Calling in question the judgment and order of the High Court, the present appeal has been preferred by appellant Nos.1 and 2 jointly. It is the case of both the appellants that both of them were in relationship of love with each other since long. It was stated that as there was an opposition from their family members, appellant Nos.1 and 2 ran away from their house and got married on 25.09.2020 as per the Muslim rites and rituals. It was stated that the marriage was performed before a Kazi, pursuant to which a marriage certificate dated 25.09.2020 was also issued. It was next stated that appellant Nos.1 and 2 were major in age on the date of contracting of marriage, as the date of birth of appellant No.2 is 28.05.2000. In the appeal before this Court, both the appellants affirmed their separate affidavits in support of their case, making joint prayer for quashment.

4. Learned counsel for the appellants submitted that the appellants have been living in matrimonial relationship which aspect should have weighed with the High Court and in that

view the criminal proceedings arising out of the FIR ought to have been quashed. While countering the said submission on behalf of the appellants, learned counsel for the respondents could not dispute the factum of marriage between the appellants.

5. There is no gainsaying that the appellants are presently a married couple. Both, out of their own wish and volition tied matrimonial knot as per the rites of their religion. Both belong to the same religion. The appeal before this Court came to be filed by both of them jointly seeking to quash the criminal proceedings which were initiated at the instance of respondent No.2-father of appellant No.2. It is also not disputed that the parties have been happily residing at their matrimonial home at village Saliyar Salhapur, Ganganahar, Roorkee, Haridwar. It was stated that a child has been born out of the wedlock.

5.1 Appellant No.2 gave her statement under Section 164 of the Cr.PC. before the police at the very initial stage on 10.08.2020. She stated on oath thus,

“We have married. We love each other, our family members came to know and they were unwilling. We left the house and got married and now our family members are harassing us. I am happy with him and I want to live with him only. Some people are torturing us and giving

us threats to kill, we want to live in our hoe at Saliyer. I am also an adult and have married of my own will. This is my statement.”

5.2 A faint attempt was made by learned counsel for the respondent to try and submit that at the time of incident when the appellant ran away with appellant No.2, appellant No.2 was a minor and was not of marriageable age. On the other hand, it is claimed that the boy and girl had attained marriageable age when they entered into matrimonial relationship. Whether appellant No.2 was minor of the age little less than the marriageable, whether appellant No.1 lured appellant No.2 and made her eloped with him and whether the conduct on the part of appellant No.1 was in the nature of offence alleged against him or not, are the questions which all pale into insignificance.

5.3 The situation is obtained that now the parties voluntarily got married and started residing and living together to lead their married life without any complaint. It is noticeable that when the FIR was filed by the father of appellant No.2 on 01.06.2020, both the appellants had already married according to their own will and choice. Presently, both are

major and almost six years have elapsed since they are in matrimonial relationship with each other.

6. It may be true that fleeing with a girl who is not of marriageable age and who is minor is an offence under law, however, the subsequent development of marriage between the two lovers and the fact that they have been merrily living would outweigh the need to take the alleged offence or the criminal proceedings to their logical end. In the fact situation like one obtained in the present one, continuation of criminal proceedings against appellant No.1 would become harassing and stand as an abuse of process of law.

6.1 Any litigation brings a kind of botheration for the parties. The uncertainty of the outcome of the litigation always looms large. When it is a criminal case, its pendency becomes burdensome and worrisome. For appellant No.1 as well as appellant No.2, negotiating the criminal proceedings in a court of law, notwithstanding that both are now husband and wife living together, would operate as painful interference in their happy life. The High Court would have done justice to the parties only by quashing the criminal proceedings against

appellant No.1 initiated by the complainant-father of appellant No.2.

7. In **K. Kirubakaran v. State of Tamil Nadu**⁶, where the facts were similar and akin to the present one, this Court, while quashing the criminal proceedings against the appellant therein including the conviction and sentence, quoted Benjamin N. Cardozo, Former Associate Justice of the Supreme Court of United States, “The final cause of law is the welfare of society.”

8. Here are the parties in the present case who are the spouses living and leading their matrimony. In the interest of rendering complete justice to them, criminal case against appellant No.1 is required to be put to an end finally. Since it was stated that the appellants have been staying happily and peacefully and that appellant No.1 is taking good care of appellant No.2, this Court does not impose any condition on appellant No.1 hoping earnestly that he and his family members would continue to extend due care and affection to appellant No.2.

⁶ 2025 SCC OnLine SC 2307

9. For the facts aforestated and reasons foregoing, the impugned judgment and order dated 19.06.2025 passed by the High Court in Criminal Misc. Application No.566 of 2021 is set aside. The proceedings of Criminal Case No. 10 of 2021 pending before the Court of Additional District & Sessions Judge, Haridwar as well as all proceedings and orders incidental thereto are also quashed. The pending proceedings against appellant No.1 shall stand quashed.

10. The appeal is accordingly allowed.

In view of disposal of the appeal as above, the interlocutory applications, if any, shall not survive.

.....**J.**
[VIKRAM NATH]

.....**J.**
[N.V. ANJARIA]

NEW DELHI;
MARCH 19, 2026.