

ITEM NO.9

COURT NO.16

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2339/2026

[Arising out of impugned final judgment and order dated 10-11-2025  
in CRR No. 1417/2025 passed by the High Court of Punjab & Haryana  
at Chandigarh]

PARVEJ @ PARVEZ

Petitioner(s)

VERSUS

STATE OF HARYANA & ANR.

Respondent(s)

FOR ADMISSION

Date : 17-02-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN  
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Ms. Mrinal Kanwar , AOR  
Mr. Vaibhav Rajsingh Rathore, Adv.  
Mr. Dinesh Kumar Chouhan, Adv.  
Ms. Nandini Singh Parmar, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. Ms. Mrinal Kanwar, learned counsel appearing for the petitioner submits that the First Information Report (FIR) in the present case was registered on 11.08.2023 and the statement of the prosecutrix was recorded on 14.08.2023.

2. In the statement recorded under Section 164 of the Code of Criminal Procedure (CrPC), 1973, the prosecutrix referred to an incident which had taken place six months prior and the immediate incident preceding the FIR was stated to be of 09.08.2023.

3. Ms. Kanwar, further submits that in her deposition, she referred to an incident of 2020, when the lock-down had commenced. Learned counsel further submits that date of birth of the prosecutrix is 10.01.2005 and if the dates mentioned in the FIR are taken, she would be a major, and therefore the provisions of the Protection of Children from Sexual Offences Act, 2012 (POCSO) would not be attracted.

4. Learned counsel also relies upon the judgment of this Court in the matter of "*P. Kartikalakshmi Vs. Sri Ganesh and Anr.*" reported in (2017) 3 SCC 347 to contend that a *de facto* complainant could not have moved an application to amend the charge.

5. Issue notice, returnable on 25.03.2026.

6. Till the next date of hearing, there shall be stay of proceedings in CC No. SC/102/2024 arising out of FIR No. 261 of 2023 registered at Punhana, Haryana pending before the Additional Sessions Judge, Fast Track Special Court, Nuh, Haryana.

(DEEPAK SINGH)  
ASTT. REGISTRAR-cum-PS

(NIKITA SINGH)  
COURT MASTER (NSH)