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

**CRM-M No.10754 of 2015 (O&M)
Date of Decision: 08.07.2015**

KULWANT SINGH AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. D.S. Nigha, Advocate
for the petitioners.

Mr. Arshdeep S. Kler, D.A.G., Punjab.

Mr. Dilraj Singh Dhillon, Advocate
for respondent No.2.

1. ***Whether Reporters of local papers may be allowed to see the judgment ?***
2. ***To be referred to the Reporters or not ?***
3. ***Whether the judgment should be reported in the Digest?***

RAJ MOHAN SINGH, J. (Oral)

Petitioners seeks quashing of FIR No.69 dated 22.03.2015 under Sections 363, 366 IPC, Police Station Jandiala Guru, Distt. Amritsar (Rural) along with entire subsequent proceedings undertaken in pursuance thereof on the basis of compromise.

Learned counsel for the petitioners states that petitioner No.1 has already solemnised marriage with respondent No.3-Navjot Kaur on 21.03.2015 i.e. a day earlier to registration of FIR. Petitioner No.1 and respondent No.3 are major.

The factum of marriage between petitioner No.1 and respondent No.3 has been verified by learned State counsel and now on instructions from HC Sarabjit Singh, it has been admitted that petitioner No.1 has solemnised marriage with respondent No.3-Navjot Kaur.

In Court of its own motion **(Lajja Devi v. State, 2012 (4) RCR (Civil) 821)** Full Bench of Delhi High Court dealt with the controversy in detail and passed the order thereby protecting matrimonial tie between the couple.

Continuation of criminal proceedings may give rise to vagaries to the matrimonial status of petitioner No.1 and respondent No.3.

In **Yogesh Handa v. State of Punjab and another, 2013(4) RCR (Crl.) 472** the controversy has been answered on the basis of judgment rendered by the Full Bench of Delhi High Court and proceedings were quashed.

In normal circumstances offence of rape in terms of Section 376 IPC is not be quashed on the basis of compromise. In the instant case, parties have entered in matrimonial fray and accepted themselves to be part of matrimonial life. Therefore, indulgence of the Court can be given in such circumstances. The present case involves offences under Section 363 and 366 IPC only and parties have been tied in nuptial knot.

I am of the considered opinion that ultimate trial of the case

would land in vacuum. Continuation of criminal proceedings would be having adverse effect on the matrimonial relationship of petitioner No.1 and respondent No.3.

Since the case is at initial stage, therefore, in view of facts and circumstances of the case, it is a fit case where inherent jurisdiction of this Court under Section 482 Cr.P.C., can be exercised in order to prevent abuse of process of law and to achieve ends of justice.

Resultantly, FIR No.69 dated 22.03.2015 under Sections 363, 366 IPC, Police Station Jandiala Guru, Distt. Amritsar (Rural) and all the subsequent proceedings arising therefrom, are quashed.

July 08, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE