

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM no.M-24663 of 2014(O&M)
Date of Decision : 11.05.2015

Virender Kumar and another

....Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Sachin Gupta, Advocate for the petitioners

Mr. Pawan Girdhar, Addl.AG, Haryana with
Mr. Himmat Singh, AAG, Haryana

Mr. Nitin Goyal, Advocate for
Mr. Sanjiv Gupta, Advocate for private respondents

MAHESH GROVER, J.

The petitioners have performed marriage without parental consent. It is stated that petitioner no.2 is in family way. They are being threatened by their parents with physical harm and registration of false cases against them.

It is stated by learned counsel for the respondents – State of Haryana that a case was registered against the petitioner no.1 as per their apprehension but a cancellation report has been prepared considering the statement of the petitioner no.2.

If that be so then I am of the considered view that the petitioners who have performed marriage without parental consent ought not be subjected to harassment. The police has investigated the matter and recorded statement of petitioner no.2 under Section 164 Cr.P.C pursuant to which the aforesaid cancellation report has been prepared. This has been specifically stated in para 1 of the reply filed by Sh.Raj Kumar HPS, DSP City, Karnal on behalf of respondents no. 1 to 3.

If that be so then I am of the opinion that this is a fit case where

powers under Section 482 Cr.P.C should be exercised to quash the FIR and all consequent proceedings arising therefrom. Petitioner no.2 who has performed marriage without parental consent though at the time of marriage was minor but during the pendency of the petition she would have become a major and thus very well entitled to express her wishes. Even otherwise she has recorded a statement under Section 164 Cr.P.C which has formed the basis of cancellation report. Therefore, persistence with FIR no. 286 dated 8.6.2014 registered under Sections 363, 366-A IPC at Police Station Gharaunda would be a sheer abuse of the process of law resulting in harassment to the petitioners. Petition is accepted. Respondent no. 2 is directed to look into grievance of the petitioners in case of any threat of physical harm at the hands of the parents, but the FIR no. 286 dated 8.6.2014 registered under Sections 363, 366-A IPC at Police Station Gharaunda and all consequent proceedings arising therefrom are hereby quashed.

May 11, 2015
rekha

(Mahesh Grover)
Judge