

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

CRM-M-3242 of 2013 (O&M)
Date of Decision : 23.09.2015

Gaurav Verma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

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| 1. | Whether reporters of local newspaper may be allowed to see judgment ? | Yes |
| 2. | To be referred to reporters or not? | Yes |
| 3. | Whether the judgment should be reported in the digest? | Yes |

Present: Mr. N.S. Shekhawat, Advocate
for the petitioner.

Mr. Munish Sharma, Astd. Advocate General,
Haryana.

Mr. H.S. Minhas, Advocate
for respondent No.2.

FATEH DEEP SINGH, J.

By this petition preferred under Section 482 Cr.P.C.
seeking quashment of FIR No.321 dated 07.12.2010 under
Sections 376, 506 IPC registered with Police Station Farakpur,
District Yamuna Nagar (Annexure P1) has put a societal

challenge to the plight and saga of run-away couples. How on account of our society still pre-dominantly anarchist where male chauvinism coupled with feudalism are largely at play and, thus, are responsible for governing even the marital preferences of grown-up children. Precisely, this is the sad story of petitioner-Gaurav Verma and his wife respondent No.3-Manjit Kaur. In the light of contentions and facts brought to the notice of this Court Manjit Kaur, respondent No.3 who happens to be daughter of respondent No.2-Ajab Singh was in a relationship with the petitioner as they were studying in the same school, which was strongly opposed by the parents of the girl and subsequently, on account of an incident an FIR (Annexure P1) was registered by the father of the girl. Meanwhile, by another quirk of fate the couple is alleged to have entered into a wedlock on 4th December, 2012 regarding which proof Annexure P4 has been placed on the record and thereafter, respondent No.3 moved an application to the Police at Yamuna Nagar for protection to her life and liberty (Annexure P5). In pursuance of the threat perception, the couple jointly filed petition bearing *CRM-M-38492 of 2012* titled as *Manjit Kaur and another Vs. State of Haryana and others* which was listed before this Court upon which this Court passed order dated 05.12.2012 (Annexure P6). It is in the background

of this, the couple has sought quashment of the FIR. Respondent-Manjit Kaur, to facilitate this quashment petition, has filed her own attested affidavit to the fact that they have voluntarily entered into a wedlock and she was a major and out of this wedlock she had given birth to a female child Simran on 18.06.2014 and has leveled insinuations against her father-respondent No.2, the complainant of this FIR.

Upon hearing at length Mr. N.S. Shekhawat, Advocate for the petitioner, Mr. Munish Sharma, Astd. Advocate General, Haryana as well as Mr. H.S. Minhas, Advocate on behalf of respondent No.2, though the State has fairly conceded the factual situation and has not opposed the grant of relief, keeping in view the humanitarian angle but on behalf of respondent No.2 stiff opposition has sought to be made by the counsel.

Admittedly, there has been love affair between the petitioner and respondent No.3, while they were studying together in the same school and after registration of the FIR by respondent No.2 against the petitioner under Sections 376, 506 IPC have entered into a wedlock and given birth to a child, are matters which have great bearing on the case of the two sides. Had it been a pure simplicitor case as detailed in Annexure P1 and not a case as the one arising out of matrimony ties, this

Court would have been too reluctant to interfere. The Courts are tools of social justice not only to dispense justice but also to ensure that such an invocation by a disgruntled father who certainly have an axe to grind has its serious repercussions on the matrimonial life not of the couple only but of the tender child born out of this relationship. This Court in the exercise of its powers under Section 482 Cr.P.C. taking a pragmatic approach to meet the ends of justice to, further ensure that this harassment is put to an end and thus this prosecution of the petitioner which does not become a convenient tool in the hands of respondent No.2, so as to spoil the very prospects of this matrimony. Thus, this Court deems its duty to show indulgence and, thus, retrieve this relation which will go to the brink of disaster. The Hon'ble Delhi High Court in Full Bench view reported in "**2012 (4) RCR Civil 821, Court on its own motion (Lajja Devi) Vs. State**", justifies invoking these inherent powers, though this Court does not encourages such cases of couples which are cause for social turmoil but having regard to the fact that even this Court feels that the case of the petitioner stands qualified for the eventualities laid down by the Hon' ble Apex Court in the case of "**State of Haryana and others Vs. Ch. Bhajan Lal and others, 1992 AIR (SC) 604**".

Moreso, this prosecution would not lead to any

tangible results and would only be a futile exercise. Thus, exercising these powers the instant petition stands allowed thereby quashing FIR No.321 dated 07.12.2010 under Sections 376, 506 IPC registered with Police Station Farakpur, District Yamuna Nagar (Annexure P1) with all consequential proceedings arising out therefrom.

September 23, 2015
Dpr

(FATEH DEEP SINGH)
JUDGE