

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

CRM-M No.33649 of 2015

Date of decision: 18th December, 2015

Jaswinder Singh @ Jassi

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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| 1. Whether Reporters of Local Newspapers may be allowed to see the judgment? | Yes |
| 2. Whether to be referred to the Reporters or not? | Yes |
| 3. Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Avtar S. Khinda, Advocate
for the petitioner.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for respondent No.1.

None for respondent No.2.

FATEH DEEP SINGH, J.

By way of this petition preferred under Section 482 Cr.P.C., the petitioner is seeking quashment of FIR No.63 dated 25.05.2015 under Sections 363, 366, 376 and 120-B IPC registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P1). Precisely, this is the sad story of petitioner-Jaswinder Singh alias Jassi and his wife respondent No.2-Shabnam, who bitten by the bug of infatuation had eloped and got married against the wishes of girl's family. In the light of contentions and facts brought to the notice of this Court, Shabnam respondent No.2 who happens to be daughter of Om

Parkash was in a relationship with the petitioner, which was strongly opposed by the family of the girl and subsequently, on account of an incident FIR (Annexure P1) was registered by the girl. Meanwhile, by another quirk of fate the couple have entered into a wedlock on 24.08.2015 regarding which proof, marriage certificate (Annexure P2) has been placed on the record. It is in the background of this, the couple has sought quashment of the FIR. Respondent-Shabnam, to facilitate this quashment petition, has filed her own attested affidavit (Annexure P4) to the effect that they have voluntarily entered into a wedlock and she was a major and that due to some misunderstanding and pressure of family members she had lodged FIR against the petitioner.

Upon hearing at length Mr. Avtar Singh Khinda, Advocate for the petitioner; Mr. J.S. Brar, Asstt. Advocate General, Punjab. Though the State has fairly conceded the factual situation and has not opposed the grant of relief, keeping in view the humanitarian angle.

Admittedly, there has been love affair between the petitioner and respondent No.2, while the girl was working in a Parlour and after registration of the FIR by respondent No.2 against the petitioner under Sections 363, 366, 376 and 120-B IPC have entered into a wedlock, are matters which have a 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. It is instead a fall-out of human ego, male chauvinism and feudalistic approach of

the girl's family who are out and out to impose their choice even on matrimonial preferences of their grown-up children. This Court in the exercise of its powers under Section 482 Cr.P.C. taking a pragmatic approach to the ends of justice to further ensure that this harassment is put to an end and this prosecution of the petitioner does not become a convenient tool in the hands of family of respondent No.2, so as to spoil the very prospects of this matrimony, 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 a 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"**.

Thus, exercising these powers the instant petition stands allowed thereby quashing FIR No.63 dated 25.05.2015 under Sections 363, 366, 376 and 120-B IPC registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P1) with all consequential proceedings arising out therefrom.

(FATEH DEEP SINGH)
JUDGE

December 18, 2015

rps