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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.41129 of 2014  
Date of Decision: 06.04.2015

Lakhwinder Singh @ Ladi

.....Petitioner

Vs

State of Punjab and another

.....Respondents

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

Present: Mr. C.L. Pawar, Advocate  
for the petitioner.

Mr. Yogesh Kumar Gupta, A.A.G., Punjab.

Mr. S.K. Virk, Advocate  
for respondent No.2.

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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.**

[1]. Petitioner seeks quashing of FIR No.141 dated 17.09.2014 under Section 376 IPC, Police Station Meharban, District Ludhiana along with entire subsequent proceedings undertaken in pursuance thereof on the basis of compromise.

[2]. Petitioner was having love affair with respondent No.2 and they got married on 15.11.2014. Petitioner and respondent No.2 even filed **CRM-M No.39382 of 2014** for directions to the Police to protect their lives and liberty from being invaded by family members

of respondent No.2. The aforesaid petition was disposed of on 18.11.2014 by passing the following order:-

*“Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for issuance of directions to respondents No.2 and 3 to protect their life and liberty from the hands of respondents No.4 to 6.*

*Learned counsel for the petitioners has submitted that the marriage of the petitioners was solemnized on 15.11.2014. Certificate issued by Gurudwara Guru Nanak Niwas Sahib, Village Karor Kalan, Tehsil Kharar, District Mohali is annexed as Annexure P-3. Photographs of marriage ceremony are annexed as Annexure P-4. He has further submitted that the petitioners have moved a representation to Commissioner of Police, Ludhiana (Annexure P-5), but no action has been taken so far.*

*Accordingly, without expressing any opinion on the merits of the case, Commissioner of Police, Ludhiana, respondent No.2 is directed to look into the representation (Annexure P-5) made by petitioners and if required, necessary protection be provided to them.*

*Petition stands disposed of in the above terms.”*

[3]. The present FIR was registered on 17.09.2014 i.e. during the affair of petitioner with respondent No.2. At that time respondent No.2 was in custody of her family members. After the marriage on 15.11.2014 petitioner and respondent No.2 are living happily as husband and wife. A compromise was also effected on 13.11.2014 between the petitioner and respondent No.2 and lodging of FIR was claimed to be the result of misunderstanding.

[4]. In pursuance to aforesaid compromise both petitioner and

respondent No.2 got themselves tied in nuptial knot and are living happily since then. Respondent No.2 has shown her willingness not to proceed in the FIR in any manner. She has admitted factum of marriage and living with her husband happily.

[5]. In **Court on its Own Motion (Lajja Devi) v. State, 2012(4) RCR (Civil) 821**, Full Bench of Delhi High Court dealt the controversy in detail and passed the order thereby protecting the matrimonial tie between the couple. This Court in **Yogesh Handa v. State of Punjab and another, 2013(4) RCR (Criminal) 472** while relying upon the aforesaid judgment quashed the proceedings.

[6]. Had it been a case not arising out of matrimonial tie, this Court would be reluctant to interfere on the basis of any compromise, but in view of allegations of rape emerging during subsistence of love affair and thereafter parties contracted marriage, this Court thinks that indulgence by the Court would lead to save the matrimonial tie between the parties and would restore honour of the family, besides facilitating them to live in peace and harmony.

[7]. This Court is of the view that ultimate trial of the case would result in vacuum and continuance of criminal proceedings would be having adverse effect on the matrimonial relation of petitioner with respondent No.2 since the case is at initial stage.

[8]. This Court vide order dated 02.12.2014 passed the following order:-

*“Learned counsel for the petitioner has submitted that the petitioner and respondent No.2 have performed marriage against the wishes of their parents. FIR in question was got registered by respondent No.2 under the influence of her parents. However, now parties have amicably settled their dispute.*

*Respondent No.2 is present in person alongwith her counsel Mr. Sanjeev K. Virk, Advocate and has stated that she has performed marriage with the petitioner and is presently residing with him in the matrimonial home.*

*Notice of motion 16.02.2015.*

*Further proceedings in pursuance to the FIR in question shall remain stayed.”*

[9]. In view of interim stay granted by this Court , FIR is still at the initial stage and statement of respondent No.2 was not recorded before the trial Court so far. Therefore, continuance of criminal proceedings would lead to unnecessary vagaries and hardships to respondent No.2 who has solemnised marriage with petitioner.

[10]. In view of **Court on its Own Motion (Lajja Devi)'s'** (supra), statement of respondent No.2 has to be accepted and this Court will be justified in invoking inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings.

[11]. Keeping in view the totality of facts and circumstances, this Court is of the opinion that continuance of criminal proceedings before the trial Court would be an abuse of process of law. Ends of justice would be met if FIR No.141 dated 17.09.2014 under Section 376 IPC Police Station Meharban, District Ludhiana along with entire

subsequent proceedings in pursuance are quashed.

[12].      Ordered accordingly.

April 06, 2015  
*Atik*

**(RAJ MOHAN SINGH)**  
**JUDGE**