

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

CRM-M No.9598 of 2015

Date of Decision: 06.04.2015

Dheeraj Kumar @ Kannu

.....Petitioner

Versus

State of Punjab & another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kuldeep Singh, Advocate
for the petitioner.

Mr. Varun Sharma, A.A.G., Punjab.

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)

1) Petitioner Dheeraj Kumar @ Kannu present in the Court has been duly identified by Mr. Kuldeep Singh. Sukhpal Kaur, respondent No.2 is also present and she has been identified by ASI Maghar Singh.

2) Prayer in this petition is for quashing of FIR No.168 dated 25.09.2014, registered under Section 376 IPC, at Police Station City

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Sunam, District Sangrur, on the basis of marriage between the petitioner and respondent No.2.

3) On 25.03.2015, this Court passed the following order:-

“Learned counsel for the petitioner contends that the petitioner and respondent No.2 are leading a happy matrimonial life. The allegations, forming subject matter of FIR, levelled by respondent No.2 were due to interference and pressure of her family members. Marriage has been solemnized with the consent of both the families of husband and wife in Gurudwara, and the marriage was duly registered under Punjab Compulsory Registration of Marriage Act, 2012.

Notice of motion for 6.4.2015.

At this stage, Mr. Arshdeep S. Kler, D.A.G., Punjab, accepts notice on behalf of State. Let a copy of the petition be supplied to him by learned counsel for the petitioner during the course of the day.

Learned State counsel undertakes to apprise this Court the latest position of the case.”

4) Today parties have also come present in Court who have been identified as shown in para No.1. Both the parties are *ad-idem* that a valid marriage was solemnized between them on 28.09.2014.

5) The FIR in question came to be registered on account of minor misunderstanding between the parties which was timely cured and marriage was solemnized and since then both the parties are living happily to the satisfaction of all concerned. Petitioner is living in the house of wife-respondent No.2.

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- 6) On being asked, both in one voice endorsed the factum of marriage and living together happily as husband and wife.
- 7) Learned D.A.G. Punjab, on instructions from ASI Maghar Singh, states that a compromise deed has been produced before the police and the same is also part of investigation in this case.
- 8) 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 of Delhi High Court quashed the proceedings.
- 9) Had it been a case of 376 not arising out of matrimonial tie this Court would be reluctant to interfere and to rely upon any compromise on the issue, but in view of the fact that allegations of rape have emerged during the subsistence of love affair between the petitioner and respondent No.2 when respondent No.2 was in care and custody of her family members and subsequently they have tied themselves in Jupiter knot and are living happily.
- 10) 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.
- 11) Keeping in view the totality of facts and circumstances, this

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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.168 dated 25.09.2014, registered under Section 376 IPC, at Police Station City Sunam, District Sangrur along with entire subsequent proceedings in pursuance are quashed.

13) Resultantly, FIR No.168 dated 25.09.2014, registered under Section 376 IPC, at Police Station City Sunam, District Sangrur and all the subsequent proceedings arising therefrom, are quashed.

06.04.2015
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[RAJ MOHAN SINGH]
JUDGE