

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

254

**Criminal Misc. No. M-17718 of 2015
Date of decision: February 04, 2016**

Angrej Singh

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

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

Ms. Rimplejeet Kaur, AAG, Punjab.

Mr. I.S. Dhaliwal, Advocate for respondent No.2.

Ms. Manjeet Kaur, Advocate for respondent No.3.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioner, namely, Angrej Singh for quashing of FIR No.82 dated 30.08.2013 registered under Sections 363/366-A of the Indian Penal Code at Police Station Kot Fatta, District Bathinda (Annexure P-1).

Learned counsel for the petitioner submits that the present FIR was registered by uncle of respondent No.2 whereas no offence

is made out against the petitioner. It was a case of run-away marriage. Learned counsel also submits that the petitioner and respondent No.2 solemnized their marriage on 26.08.2013 and now they are residing together as husband and wife. Respondent No.2 is happy in her matrimonial life and she has also been blessed with a son.

Learned counsel appearing for respondent Nos. 2 and 3 have not disputed the submissions made by learned counsel for the petitioner.

Respondent No.2, Sunita is present in the Court and has been identified by her counsel. She has stated that she is residing in her matrimonial home with her own free will and has no objection in quashing of the FIR and other proceedings arising therefrom.

Notice of motion was issued on 27.05.2015. In response thereto, learned counsel for respondent-State has filed reply by way of an affidavit of Deputy Superintendent of Police (Rural), Bathinda wherein it has been mentioned that the petitioner and respondent No.2 have solemnized their marriage on 26.08.2013 and also filed petition before learned Sessions Judge, Moga for protection. The Sessions Judge, Moga, vide order dated 30.08.2013 directed respondents No.2 to 4 to provide protection to the petitioners and to save their lives and liberty at the hands of respondents No.5 to 7. The aforesaid order is hereby reproduced as under:

“ Through this petition, both Sunita and Angrej Singh are

seeking protection of their lives and liberty from the hands of respondents No.5 to 7 on the assertions that the petitioners had married on 26.08.2013 by way of Anand Karaj according to Hindu Ceremonies at Moga. They have also produced on record Photostat copy of birth certificate of petitioner No.2, their join photographs and marriage certificate. Their joint statement has been recorded in the Court. It is alleged that life and liberty of both the petitioners is at stake and curtailed of threats and illegal action of the respondents which otherwise is a fundamental right as envisaged in Constitution of India under Article 21.

Keeping in view the circumstances of the case, respondents no.2 to 4 are directed to provide protection to the petitioners to save their lives and liberty from the hands of respondents No.5 to 7. Any observations made in this order will not be treated as proof of legal marriage between the parties. A copy of this order be sent to the respondents no.2 to 4 forthwith.”

Heard arguments advanced by learned counsel for the parties and have also perused the documents available on record as well as School Leaving Certificate of respondent No.2, Sunita whereby her date of birth is 02.02.1997.

Admittedly, it is a case of run-away marriage. As per School Leaving certificate of respondent No.2, Sunita, she is major and no offence is made out against the petitioner under Sections 363/366-A of the Indian Penal Code.

Keeping in view the submissions made by learned counsel for the parties as well as the parties who are present in the Court, there is no justification in continuation of the proceedings as the parties are residing happily together as husband and wife. Moreover, as per school leaving certificate of respondent No.2, she is major. Continuation of proceedings would be a futile exercise and mere wastage of valuable time of the Court. It would not be in the interest/welfare of both the parties in case the proceedings are continued. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

Accordingly, this petition is allowed and FIR No.82 dated 30.08.2013 registered under Sections 363/366-A of the Indian Penal Code at Police Station Kot Fatta, District Bathinda (Annexure P-1) as well as other proceedings arising therefrom qua petitioner, namely, Angrej Singh are hereby quashed.

February 04, 2016
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(DAYA CHAUDHARY)
JUDGE