

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

Crl. Misc. M 8315 of 2018 (O&M)
Date of decision: 27.11.2018

Saraj Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ram Bilas Gupta, Advocate
for the petitioners.

Mr. Balbir Singh Sewak, Additional Advocate General, Punjab.

None the complainant-respondent No.2.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 88 dated 15.7.2017 under Sections 363, 366, 120-B IPC registered at Police Station Valtaha, District Tarn Taran.

In brief, the facts of the case are that the daughter of the complainant had a love affair with petitioner No.1 and ultimately they got married to each other against the wishes of their parents on 27.7.2017. After the marriage when the daughter of the complainant contacted her parents for seeking their blessings, the complainant and other relatives threatened them with dire consequences. Under these circumstances, the daughter of the complainant and petitioner No.1 filed a petition in this Court being Criminal Misc. M 27463 of 2017 seeking protection of their life and liberty because they were facing eminent danger at the hands of the complainant and other

relatives. The said petition came to be disposed of by order dated 22.1.2018 (Annexure P/2).

It is contended that petitioner No.1 and daughter of the complainant are legally wedded husband and wife and they are living together in her matrimonial home in peace and harmony. It is argued that no offence at all as alleged in the FIR is made out and pray for quashing of the said FIR.

Notice of motion was issued in petition but despite service respondent No.2—complainant has not put in appearance.

In the instant case, the sole allegation made by the complainant in the FIR is that petitioner No.1 enticed his daughter after alluring her on the pretext of marriage, on the advise of his sister Rajwinder Kaur—petitioner No.2.

In a judgment rendered by the Hon'ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, 2014(6) SCC 466***, the Hon'ble Apex Court has laid down certain principles and guidelines which should be kept in mind while quashing of FIRs pertaining to non-compoundable offence. For ready reference paragraphs No. 29.2 and 29.5 are reproduced as under :-

“29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure :

(i) ends of justice, or

(ii) to prevent abuse of the process of any court. While exercising the power the High Court is to form an opinion on

either of the aforesaid two objectives.

29.5. *While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case.”*

Therefore, while relying upon the ratio of the aforesaid judgment, this Court is of the view that possibility of conviction in the instant case is remote and bleak, particularly when both petitioner No.1 and the daughter of the complainant are legally wedded husband and wife and are leading a happy married life. The petitioner No.1 and daughter of the complainant had approached this Court seeking protection which was allowed to them. The complainant despite service has chosen not to contest this case. Therefore, while invoking powers under Section 482 of the Code of Criminal Procedure, this Court deems it fit to quash the FIR, keeping in view that if the proceedings are allowed to continue, the matrimonial life of the petitioner would be jeopardized and as such continuation of criminal case will be a sheer wastage of precious court time.

In view of the above, this petition is allowed and the FIR No. 88 dated 15.7.2017 under Sections 363, 366, 120-B IPC registered at Police Station Valtoha, District Tarn Taran. and all subsequent proceedings arising out of the same are quashed.

27.11.2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No