

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

CRM-M No.14289 of 2014
Date of decision: 25th March, 2019

Ajay Kumar and others

... Petitioners

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Petitioner No.1 in person along with
 Mr. A.K. Garg, Advocate.

 Mr. Saurav Khurana, Dy. Advocate General, Punjab
 for respondent No.1/State.

 Respondent No.4 in person along with
 Mr. Kushagra Mahajan, Advocate.

FATEH DEEP SINGH, J.

By this petition preferred under Section 482 Cr.P.C. seeking quashment of FIR (Annexure P1) has put a societal challenge to the plight and saga of run-away couples. How on account of our society still pre-dominantly anarchist where male chauvinism coupled with feudalism are largely at play and, thus, are responsible for governing even the marital preferences of grown-up children. Precisely, this is the sad story of petitioner-Ajay Kumar and his wife respondent No.4-Pooja Devi. In the light of contentions and facts brought to the notice of this Court, Pooja Devi respondent No.4, who happens to be daughter of respondent No.3-Teja Devi and niece of respondent No.2-Bhago, was in a

relationship with petitioner No.1, which was strongly opposed by the parents of the girl and subsequently, on account of an incident FIR (Annexure P1) was registered by the aunt of the girl. Meanwhile, by another quirk of fate, the couple is alleged to have entered into wedlock on 30.07.2013 and thereafter, in pursuance of the threat perception, the couple jointly filed a petition before the Court of learned District & Sessions Judge, Ludhiana seeking protection to their lives and personal liberty, upon which the Court of learned Sessions Judge, Ludhiana passed orders dated 05.10.2013 (Annexure P8). It is in the background of this, the couple has sought quashment of the FIR. Respondent-Pooja Devi, to facilitate this quashment petition, has put in appearance and made statement on oath before this Court to the effect that they have voluntarily entered into wedlock and she was a major and out of this wedlock a male child has been born on 24.12.2015 and a copy of the birth certificate of the child has been placed on the records.

Upon hearing at length Mr. Anil Kumar Garg, Advocate representing the petitioners; Mr. Saurav Khurana, Dy. Advocate General, Punjab on behalf of respondent No.1/State; Mr. Kushagra Mahajan, Advocate for respondents No.2 to 4. Though the State has fairly conceded the factual situation and has not opposed the grant of relief, keeping in view the humanitarian angle but on behalf of respondent No.2 and 3, stiff opposition has been sought to be made by the counsel.

Admittedly, there has been love affair between petitioner No.1 and respondent No.4, while they were in a relationship and before registration of the FIR by respondent No.2 against the petitioners under Sections 363, 366, 120-B IPC, have entered into a wedlock and a child has been born out of the said wedlock, are matters which have great bearing on the case of the two sides. Had it been a pure simplicitor case as detailed in the FIR (Annexure P1) and not a case as the one arising out of matrimony ties, this Court would have been too reluctant to interfere. The Courts are tools of social justice not only to dispense justice but also to ensure that such an invocation by a disgruntled parents who certainly have an axe to grind has its serious repercussions on the matrimonial life not of the couple only but of the tender child born out of this relationship. This Court in the exercise of its powers under Section 482 Cr.P.C. taking a pragmatic approach to meet the ends of justice, to further ensure that this harassment is put to an end and thus this prosecution of the petitioners, which does not become a convenient tool in the hands of respondent No.2 so as to spoil the very prospects of this matrimony. Thus, this Court deems its duty to show indulgence and, thus, retrieve this relation which otherwise will go to the brink of disaster. The Hon'ble Delhi High Court in a 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 encourage such cases of couples which are cause for social turmoil but having regard to the fact

that even this Court feels that the case of the petitioners 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”***. More so, this prosecution would not lead to any tangible results and would only be a futile exercise. Thus, exercising these powers the instant petition stands allowed thereby quashing FIR No.97 dated 14.08.2013 under Sections 363, 366, 120-B IPC registered with Police Station S.G.N. Dev. TRML Plant, District Bathinda (Annexure P1) with all consequential proceedings arising out of the same.

(FATEH DEEP SINGH)
JUDGE

March 25, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No