

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

CRM-M No.32847 of 2016
Date of decision: 30th April, 2019

Ankur

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Petitioner in person along with
 Mr. Virender Soni, Advocate.

 Mr. Amrik Narwal, Dy. Advocate General, Haryana
 for respondent No.1/State.

 Mr. Rohan Mittal, Advocate legal aid counsel
 for respondent No.2.

 Respondent No.3 in person along with
 Mr. Karan Singh, Advocate.

FATEH DEEP SINGH, J.

By this petition preferred under Section 482 Cr.P.C. seeking quashment of FIR No.1098 dated 26.08.2016 under Sections 363, 366A IPC registered with Police Station City Panipat (Annexure P3) 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-Ankur and his wife respondent No.3-Pinki. In the light of contentions and facts brought to the

notice of this Court Pinki respondent No.3, who happens to be daughter of respondent No.2-Mahender Singh Malik, was in a relationship with the petitioner, which was strongly opposed by the parents of the girl and subsequently, on account of an incident FIR (Annexure P3) was registered by the father of the girl. Meanwhile, by another quirk of fate the couple is alleged to have entered into a wedlock on 22.08.2016 regarding which proof Annexure P1 has been placed on the record and thereafter, the petitioner and respondent No.3 moved an application to the Police at Jind for protection to their lives and personal liberty. In pursuance of the threat perception, the couple jointly filed petition bearing *CRM-M-30684 of 2016* titled as '*Ankur and another Vs. State of Haryana and others*' which was listed before this Court, upon which this Court passed order dated 31.08.2016 (Annexure P2). It is in the background of this, the couple has sought quashment of the FIR. Respondent-Pinki, 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 a wedlock and she was a major and out of this wedlock she is nine month's pregnant. More so, the father of the girl, i.e. complainant of this FIR respondent No.2 has filed duly sworn attested affidavit to the effect that he does not want to pursue the said FIR.

Upon hearing at length Mr. Virender Soni, Advocate representing the petitioner; Mr. Amrik Narwal, Dy. Advocate General,

Haryana on behalf of respondent No.1/State; Mr. Rohan Mittal, Advocate as legal aid counsel for respondent No.2 and Mr. Karan Singh, Advocate representing respondent No.3. 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 stiff opposition has sought to be made by the counsel.

Admittedly, there has been love affair between the petitioner and respondent No.3, while they were in a relationship and before registration of the FIR by respondent No.2 against the petitioner under Sections 363, 366-A IPC have entered into a wedlock and the girl is nine month's pregnant 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 P3) 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 father 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 in the womb of the girl 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 petitioner 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 will go to the brink of disaster. The Hon'ble Delhi High Court in 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 encourages 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 petitioner 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.1098 dated 26.08.2016 under Sections 363, 366-A IPC registered with Police Station City Panipat (Annexure P3) with all consequential proceedings arising out of the same.

(FATEH DEEP SINGH)
JUDGE

April 30, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No