

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

CRM-M No.12866 of 2012 (O&M)

Date of decision: 9th April, 2019

Shinder Singh @ Chhinder Singh & 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. Amandeep S. Manaise, Advocate.

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

 None for respondent No.2.

 Respondent No.3 in person along with
 Mr. A.S. Gulati, Advocate.

FATEH DEEP SINGH, J.

By this petition preferred under Section 482 Cr.P.C. seeking quashment of FIR No.73 dated 15.05.2011 under Sections 363, 366, 380, 120B IPC registered with Police Station Guru Har Sahai, District Ferozepur (now Police Station City Jalalabad, District Fazilka) (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-Shinder Singh alias Chhinder Singh and his wife respondent No.3-Seema Rani. In

the light of contentions and facts brought to the notice of this Court Seema Rani respondent No.3, who happens to be daughter of respondent No.2-Malkiat Singh, 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 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 01.06.2011 regarding which proof Annexure P1 has been placed on the record and thereafter, in pursuance of the threat perception, the couple jointly filed a petition bearing *CRM-M-18313 of 2011* titled as '*Seema Rani and another Vs. State of Punjab and others*' seeking protection to their lives and personal liberty which was listed before this Court, upon which this Court passed order dated 07.06.2011 (Annexure P2). It is in the background of this, the couple has sought quashment of the FIR. Respondent-Seema Rani, 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 three daughters have born to them.

Upon hearing at length Mr. Amandeep Singh Manaise, Advocate representing the petitioners; Mr. Saurav Khurana, Dy. Advocate General, Punjab on behalf of respondent No.1/State; Mr. A.S. Gulati, Advocate for 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 and none has come present on behalf of the complainant respondent No.2.

Admittedly, there has been love affair between petitioner No.1 and respondent No.3, while they were in a relationship and have entered into a wedlock and three female children have 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 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 children 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 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 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.73 dated 15.05.2011 under Sections 363, 366, 380, 120B IPC registered with Police Station Guru Har Sahai, District Ferozepur (now Police Station City Jalalabad, District Fazilka) (Annexure P3) with all consequential proceedings arising out of the same.

(FATEH DEEP SINGH)
JUDGE

April 9, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No