

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

**CRM-M No.12075 of 2019
Date of Decision.20.01.2020**

Krishna Gautam and another ...Petitioners

Vs

State of Haryana and others ...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

1. This is a petition that has been filed for quashing of FIR No.355 dated 13.11.2018 registered under Sections 363, 366 IPC at Police Station Furrukh Nagar, District Gurugram (Annexure P-1).

2. Learned counsel appearing on behalf of the petitioners herein contends that FIR that has been registered against the petitioners is nothing but an abuse of the process of law, since petitioner No.1 and daughter of the complainant, being adults, had solemnized marriage on 11.10.2018 in Arya Samaj Mandir, Ghaziabad, U.P. and the said marriage was registered before the Marriage Registration Officer-1, Ghaziabad on 24.10.2018 prior in time to lodging of FIR No.355 dated 13.11.2018.

3. Reply by way of affidavit of Veer Singh, HPS, Assistant Commissioner of Police, Pataudi, Gurugram has been filed on behalf of respondents No.1 to 3 wherein it has categorically been stated that the

matter was thoroughly investigated and during investigation, police was made aware that marriage had been solemnized between the prosecutrix, daughter of the complainant and Krishna Gautam in Arya Samaj Mandir, Ghaziabad. It was further found during investigation that a marriage certificate had already been issued by the said Mandir and the marriage stood duly registered. The State has also submitted that a cancellation report has been prepared on the basis of investigation.

4. Despite service, no one has put in appearance on behalf of respondent No.4-complainant.

5. I have heard learned counsel for the parties and also perused the reply that has been filed. It is taken note of, that notice had been issued to the complainant-respondent No.4 but despite service, no one has put in appearance before this Court to substantiate the allegations levelled in the FIR. On going through the pleadings and taking note of the averments made in the reply filed, this Court is of the opinion that lodging of the FIR is a sheer abuse of process of law under the garb of which a disgruntled father had tried to satisfy his ego, as the same was lodged after one month of solemnization of marriage by petitioner No.1 with daughter of the respondent No.4-complainant. Both the parties being adults have chosen to get married and therefore, no offence under Section 363 and 366 IPC is made out. If the proceedings are allowed to continue, the same would be an abuse of the process of law especially when the complainant has not stepped forward to controvert the plea taken in this petition. Consequently, this petition is allowed and FIR No.355 dated 13.11.2018 registered under Sections 363, 366 IPC at Police Station Furrukh Nagar, District Gurugram

(Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioners.

(JAISHREE THAKUR)
JUDGE

January 20, 2020

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No