

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

**CRM-M-14061-2020
Date of decision:-4.6.2020**

Peter Lahoriya and another

...Petitioners

Versus

The State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Dhruv Gupta, Advocate
for the petitioners.

H.S. MADAAN, J.

Case taken up through video conferencing.

The present petition under Section 482 Cr.P.C. has been filed by petitioners Peter Lahoriya, aged 18 years and Tamanna aged 17 years alleged wife of Peter Lahoriya for quashing of order dated 27.5.2020 passed by Sessions Judge, Ambala vide which petitioner No.2 – Tamanna has been directed to be kept in safe custody in Bal Kunj, Chhachhroli, Yamuna Nagar till she attains majority in CRM-90 of 2020 titled 'Peter and Tamanna Versus State of Haryana etc.'

According to the petitioners, the said petition was withdrawn since no threat was perceived by both the petitioners from the private respondents No.4 to 6. Nevertheless learned Sessions Judge, Ambala had passed the order in question.

I have heard learned counsel for the petitioners besides

going through the record.

The age of the petitioner No.1 Peter Lahoriya being 18 years is less than requisite age of 21 years for a boy and petitioner No.2 – Tamanna being 17 years is less than 18 years required age for a girl to perform a valid marriage in terms of Section 5 of the Hindu Marriage Act. The alleged marriage between them can certainly be not termed as a valid marriage. Formal FIR No.125 dated 18.5.2020 for the offences under Sections 363 and 366 IPC has been got registered against petitioner No.1 – Peter Lahoriya with Police Station Civil Lines, Patiala for kidnapping of minor girl Tamanna. Under the circumstances, petitioner No.1 – Peter Lahoriya, who himself is a wrongdoer having indulged in offence of kidnapping of a minor girl has no locus standi to seek her release from Bal Kunj, Chhachhroli, Yamuna Nagar. The consent of petitioner No.2 – Tamanna, who is a minor is no consent in the eyes of law. The fact remains that she has been taken out from the custody of her parents, who happened to be her natural guardian. The statement of father of petitioner No.2 - Tamanna, namely, Bubby and mother Sonu dated 23.5.2020 has been placed on record by the petitioners themselves. Therefore, learned Sessions Judge, Ambala was justified in passing the impugned order.

Section 482 Cr.P.C. deals with inherent powers of the High Court providing that nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

I find that the impugned order does not call for any interference by this Court since it does not appear to be suffering from any illegality or infirmity.

Thus, the petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

4.6.2020
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No